your permission to move a formal amendment. In Clause 1 (1), the title of the Bill, the figure '9' has to be inserted after the figures '110' to indicate the year of the passing of the Regulation. I beg to move the addition of the figure '9' after '110'.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

PRESIDENT: The motion is merely to fill up a blank deliberately left to admit of the year being inserted after the Bill has been passed by this House.

The amendment was carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now move that the Bill be passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it

The question that the Bill be passed was put to vote and carried.

THE TRAVANCORE EDAVAGAI BILL—(*contd.*)

PRESIDENT: Before I allow the discussion to proceed, I wish to draw the attention of the House to the fact that, on the first amendment which was tabled—to the effect that the Bill be recommitted to the Select Committee the Chair allowed ample opportunity to enable the members to indulge in a full debate on all the important provisions of the Bill. The ground, therefore, has been fully covered in regard to what might be regarded as the vital provisions of the Bill. It would, therefore, save the time of the House and facilitate work if, when amendments are moved, members do not allow themselves to indulge in repetition of arguments already advanced on the floor of the House, but confine their observations to any new fact or argument which they now wish to urge for the consideration of the House. It is in that light that the Chair will proceed to watch the proceedings; and if there is any tendency to indulge in the repetition of arguments once advanced, honourable members know what the Chair will do.

Clause 4.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I beg to move that in Clause 4, line 2, the word 'recovered' be substituted for the word 'recoverable'.

The object of my amendment is to guarantee the recovery of the cost from the Chief in all cases, and not to leave it to the option of Government to recover it in some cases and not to take steps for recovery in other cases. Sir, the settlement of these Edavagais is to be undertaken not in the interests of Government but in the interests of the Chiefs. It will be readily conceded as a sound proposition of public finance that public funds should not be expended for the benefit of particular individuals. If the Clause is allowed to remain as it is, it might happen, for some reason or other, that Government may not recover the cost of settlement from the Chiefs. I may remind the Government and the House that these Edavagais are portions of the State wherefrom Government do not get anything by way of land revenue. We can understand public funds being spent when the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

Government expect something as a result of such expenditure. Here, all the receipts go to the Chiefs, and there is absolutely no justification whatsoever for the expenditure of public funds. Further, the tenants are not to be benefited by this legislation. I would therefore strongly urge upon the House to accept my amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to second the amendment moved by Mr. Thanu Pillai. I wish to point out one fact in support of the amendment. It will be noticed that, some amounts spent for the settlement of the other Edavagais as well when they were settled, *were* realised from them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I ask the member whether the entire cost of settlement was realised from the Edappalli Edavagai?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) I did not say that. I was very guarded in my statement. I only said that 'some amounts' were realised.

My point is that there is absolutely no reason why the provision should be left vague. If it is the desire of the House that Government should do the settlement at their own cost, let that be so stated in the Bill. There would be at least some grace in it. But once we contemplate recovery of the cost from the Chiefs, we must definitely provide that it must be recovered and should not leave it indefinite.

With these words, I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. As the provision now stands in the Bill, it will be noticed that it is not obligatory on the part of Government to recover the cost. What is apparently in the mind of the mover of the amendment is that it should be made obligatory on the part of Government to recover the costs in every case. What Clause 4, wherein a specific reference is made to Clause 3, proposes to enact is that costs shall be recoverable on account of a settlement conducted *under Section 3* of the Regulation. Section 3 (2) reads thus:—

> "The direction contained in sub-section (1) may be made—
>
> (*a*) on the application of the Chief concerned and on his agreeing in writing to defray the whole cost of the settlement, or
>
> (*b*) without such application for reasons to be recorded by our Government prior to the issue of such notification".

So, if the settlement is conducted in pursuance of sub-clause (*a*), the Chief will have to agree to defray and therefore actually defray the whole cost. In such a case, the Government can and will recover all the costs. If, in any case, the Chief does not make any application, then in such case, on grounds of public interest, Government may decide to undertake the settlement in which case sub-clause (*b*) will apply. In such a case it may not always be just that costs should be recovered. Therefore Government must have some discretion to recover the cost

LIBRARY ARCHIVES Kerala Legislative Assembly

or not according to the circumstances of the case. Thus it will be seen that the lands in the Edavagais may be settled either on the application of the Chief or without any application. In the latter case, the Government will decide on the circumstances of the case whether the entire cost or any portion of it should be recovered or not. It is for this purpose that the word 'recoverable' is put in.

MR. S. J. NAIR (*Nedumangad*): May I know from the member which is the correct legal phraseology, 'shall be recoverable' or 'shall be recovered'.

PRESIDENT: What the law Member has put is the legal phraseology.

MR. S. J. NAIR (*Nedumangad*): I want to know the opinion of the Law Member.

PRESIDENT: The only question before the House is whether the word 'recovered' shall be substituted for the word 'recoverable'. We do not want to go into the technology of phraseology.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): In the light of the phrase in clause 4 "all costs incurred by our Government on account of a settlement conducted", does the distinction sought to be made by the learned Law Member exist?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it does.

The motion that the word 'recovered' be substituted for the word 'recoverable' was put to the vote of the House and lost.

The question that Clause 4 form part of the Bill was next put to vote and carried.

***Clause* 5.**

PRESIDENT: The next amendment relates to Clause 5. Mr. Govinda Menon will move his amendment.

MR. N GOVINDA MENON (*Co-opted*): Clause 5 sub-clause 2 (i) reads:— "for holdings held on permanent or irredeemable titles being settled as registered holdings without the levy of any *taravila* or *tadivila* or any alteration of the rent payable to the Chief".

Instead of that I move that "for all holdings being settled as registered holdings without the levy of any *taravila* or *tadivila*" be substituted.

The object of the amendment, as can be seen clearly, is to confer permanent rights of occupancy on all the holders of lands within the Edavagais without the levy of *taravila* or *tadivila*. The Bill, as published originally in the Gazette and discussed in the last session of the Assembly, provided that all holders of lands within the Edavagais will be given permanent rights of occupancy. In the Select Committee, there was a vital change effected in regard to this provision. Now under the provision under discussion, the majority of the Select Committee proposed to give permanent rights of occupancy without any levy of *taravila* or *tadivila* only to those who enjoy permanent rights of occu-

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Govinda Menon.]

pancy. Of course, there is nothing more to be given to those who enjoy permanent occupancy rights which they have already acquired under law. My submission is that to holders of lands within these Edavagais who have obtained titles from the Chiefs and who are in possession of the holdings under such title from the Chiefs, permanent rights of occupancy should be conferred without any levy of *taravila* or *tadivila*. The arguments advanced by Mr. Thanu Pillai yesterday in support of the amendment which was first moved by him for the recommittal of the Bill would apply equally well in support of my amendment. The holders of lands within these Edavagais, under whatever title they claim from the Chief, were enjoying the properties on a more or less permanent tenure. It may be said that some of the tenures are, like the *Venpattom* tenure, redeemable though after a term of years. But there has been no instance of such tenures having been redeemed the practice being to renew the document at the end of the term, the property being never recovered from the tenants. There was, more or less, a belief of permanency and the tenants have improved the properties. They have invested large amounts of their capital and labour and the properties have become now very precious for them and they are enjoying the properties in the belief of permanency. Under that condition, if the tenants are asked to pay *taravila*, however small it may be according to the Select Committee—it may go up to Rs. 15 per acre of dry land and Rs. 50 per acre of wet land it will be very hard for them. They have to pay this amount for getting permanent rights of occupancy. My submission is that, whatever be the nature of the titles under which the tenants are enjoying, permanent rights of occupancy should be conferred on them free of any payment. The Pattom Proclamation of 1040 conferred on the tenants of Travancore State permanent rights of occupancy even though they did not have such rights before. So also when the Edavagais of Kilimanur and Edappalli were settled, no *taravila* was levied although the tenants were enjoying the properties on insecure tenures like *Venpattom*. The Rent Recovery Regulation IV of 1068 conferred permanent rights of occupancy on all the holders in Kilimanur and Edappalli. There is therefore no justification for giving a different treatment to the tenants of Poonjar and Vanjipuzha in this respect. On that ground also, I urge that my amendment be accepted. With these few words, I move the amendment.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I second this amendment. I have given notice of several other amendments some of which will be comprised within this. But they relate to different provisions of the Bill. This covers all of them and probably more. I should be very glad if this proposal is accepted as it is, in which case it will not be necessary for me to move my amendments as this will cover even a larger field than is contemplated by the various amendments of which I have given notice. If this be rejected, my amendments will have to be moved.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT : Don't anticipate defeat.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Sir, my experience in this House has often been to suffer defeat. I am anticipating defeat so that I may avoid disappointment.

Now coming to the point, I want to answer especially one or two points that were raised by certain members here who opposed the motion for recommittal. For instance, I may refer to the arguments advanced by Mr P. K. Narayana Pillai yesterday. I refer to them now because I had no occasion then to answer him. He conceded that there would have been considerable force in my contention that since, in the case of *Venpattom* lands held under Sirkar and in the case of *Venpattom* lands held under Edappalli and Kilimanur, no *taravila* was levied when those lands were settled and permanent occupancy rights were conferred on the tenants in respect of such lands permanent occupancy rights should be conferred on the tenants of Poonjar and Vanjipuzha without levy of *taravila*, provided the conditions were not different. He said the conditions were different. His position was this. The settlement of Sirkar lands was by a Proclamation of 1040. Before that Proclamation of 1040, permanent occupancy rights were conferred on *Venpattom* tenants of the Sirkar. Similarly, he said, the settlement of the lands of Edappalli and Kilimanur was after the year 1068, that is, after Regulation IV of 1068 was promulgated and he said that, by virtue of that Regulation, *Venpattom* tenants of Kilimanur and Edappalli were given permanent occupancy right, so that, at the time of the settlement of these Edavagais, tenants holding under *Venpattom* tenure had obtained permanent rights of occupancy. So there was no occasion to think of permanent right at the time of the settlement and that was the reason why at that time no *taravila* was levied.

Now, Sir, that argument is based upon a great misconception of the situation. The present Bill is introduced not merely to settle the lands in the Vanjipuzha and Poonjar Edavagais. But one of the avowed objects of the Bill is to confer permanent rights of occupancy to the tenants of Poonjar and Vanjipuzha. There are two objects to the Bill. One is to confer permanent right of occupancy on the tenants of Poonjar and Vanjipuzha and the other is to settle the lands in Vanjipuzha and Poonjar. We should not lose sight of this fact. There is no substance in the contention that, because the tenants have not already got the right of permanent occupancy, *taravila* can be imposed. Let us consider first the question of conferring permanent occupancy rights. Is it to be allowed only on condition that the tenants pay a price for the holdings? It is in that connection that we should go to the principle that was accepted in the case of Sirkar *Venpattom* lands. In conferring such rights, what is the principle to be followed is the question. If in the case of Sirkar, Kilimanur and Edappalli *Venpattom* lands, this could be done without the levy of *taravila*, I ask what difference does it make, what objection can there be in the case of Poonjar and Vanjipuzha? It is now contended by Mr. P. K. Narayana Pillai that lands in Kilimanur and Edappalli were treated

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

for the purpose of revenue collection and for the purpose of assessment and such other purposes more or less on the lines on which Sirkar lands were treated. In the case of Kilimanur and Edappalli lands, Government wanted the Revenue Recovery Regulation to be made applicable. So it is argued they had to bring those lands also into line with Government lands. The same thing is going to be done in respect of Poonjar and Vanjipuzha lands. The settlement is going to be effected by Government. All facilities for collection are to be given. Now the Chiefs say that they are unable to collect even one-tenth of their demand. Hereafter they are going to collect cent. per cent. by virtue of the Revenue Recovery Regulation. If we are going to give these facilities to these Chiefs, I ask, why should we not show the same concessions to the tenants as were shown to the tenants of Kilimanur and Edappalli? These concessions were shown by Government by the Pattom Proclamation of 1040 in the case of Sirkar tenants and by the Rent Recovery Regulation of 1068 in the case of Kilimanur tenants. We are to consider the question of conferring permanent occupancy rights independently of settlement even though both take place at the same time. In the case of Kilimanur and Edappalli, these rights were conferred by statutes declaring that the tenants in those lands should have the same rights as the tenants in respect of Sirkar lands. Now we are going to make a similar enactment. I would urge an additional ground because the settlement is to be done by the Government. The Chiefs come forward and say "You please make the provisions of the Rent Recovery Regulation applicable to our Edavagais also. We are not able to collect the rents due to us. You will kindly help us to collect the whole of our dues". When they come forward with such a request, is it not open to the Legislature to ask them, "Should you not in fairness confer on your tenants the same rights as were conferred on the tenants under the Sirkar and under the other Edavagai Chiefs"? Where is the impropriety, I ask? Otherwise why should we deal with this question at all? Why should the Legislature go out of its way?

There is another matter also for consideration. When the general settlement was effected, the Poonjar Chief was left out of consideration. At that time Government did not think it necessary to take his Edavagai into consideration. I may read here a passage from the Land Revenue Manual. I refer to Land Revenue Manual, Volume II, Pages 1100 and 1101:-

> "The settlement of the Poonjar village, that is, of the properties in that village on which tax is due to or leviable by the Government, was at first arranged to be conducted by the Settlement Department. It was not, however, carried out by that Department, but was transferred to the normal Revenue Department, pending the adjudication of certain disputes between the Sirkar and the Poonjar Chief. These disputes were subsequently decided by a Special Officer appointed for the purpose by the Government under the Boundary Regulation but the Poonjar Chief and other parties adversely affected by the decision having appealed to the Civil Court against the Special Officer's decision, the settlement

LIBRARY ARCHIVES Kerala Legislative Assembly

of the Sirkar lands within the village has, for the time being, been held in abeyance under the orders of the Court. The tax-paying lands in the other two partially free-hold villages—belonging to the Edappalli Chief— have been settled along with the settlement of those villages".

Now, Sir, we find in respect of Poonjar, Government did not contemplate at all the settlement of Edavagai lands, that is, lands within the Edavagai area or lands belonging to the Chief. They wanted to settle only properties on which tax is leviable by the Government ; and that was postponed because of disputes between the Chief and the Government. We are now dealing with lands of the former category namely Edavagai lands on which tax is not leviable by the Government. The next paragraph says :—

PRESIDENT: Please be brief.

MR. A. THANU PILLAI (*Trivandum-Rural*) : I think that I am not unnecessarily wasting the time of the House and I am entitled to have my say. If you think, Sir, that I am wasting the time of the House, I shall sit down.

PRESIDENT : You go on.

MR. A. THANU PILLAI (*Trivandrum-Rural*) :

"As regards the completely free-hold villages, those owned by the Vanjipuzha Chief were left to be settled by the Chief himself, because the relations between himself and his tenants appeared to be governed by the Jenmi and Kudiyan Regulation, of 1071, or by the ordinary law of land-lord and tenant. The villages belonging to the Sripadom Palace, the Kilimanur Koil Thampuran and the Edappalli Chief, stood on different footing. The *pattom* (rent) due on the Sripadom lands came within the meaning of public revenue as defined by the Revenue Recovery Regulation (I of 1068). The rents due to the Kil manur and Edappalli Chiefs were also treated as public revenue by Regulation IV of 1068. This Regulation also expressly laid down that the rents recoverable in the said estates should be at the rates assessed by the Government from time to time. The settlement and survey of these villages was accordingly undertaken by the Government at the request and on behalf of the proprietors concerned. As regards the villages of the Sripadom Palace and the Kilimanur Koil Thampuran, the cost, both of survey and settlement, was borne entirely by the Government, while, in the case of the villages of the Edappalli Chief, one-half of the cost of settlement and three-fourths of that of survey have been borne by the Government. The settlement of these villages has been carried out more or less on the principles applicable to the Sirkar lands. The tenures in the Sripadom and Kilimanur Edavagai villages are identical with those of the Sirkar villages, while those in the Edappalli Edavagai villages correspond in their characteristics with like groups in the Sirkar villages."

So, in the case of Edappalli and Kilimanur, the lands were settled and in the case of other Edavagais Government did not think it necessary to do so. That was the position they then took. Now we are going far away from it. We are going to settle Poonjar and Vanjipuzha, and help the Chiefs by making the provisions of the Rent Recovery Regulation applicable to them. Should not the lands of the tenants there also be brought into line with the lands of the tenants under the Sirkar and other Edavagais in respect of the rights of such tenants ?

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai]

Another point that was raised yesterday was that the idea of *taravila* came into existence only in the year 1068, when Government first began to levy *taravila* on Puduval lands. It was said that before that there was no such idea present in the mind of Government or anybody else. That contention again ignores a fundamental fact. I am not here pleading for the non-levy of *taravila* in respect of Puduval lands. In respect of Puduval lands, *taravila* may be levied. I am now pleading for the non-levy of *taravila* on holdings in the enjoyment of tenants. In 1040 and 1068, permanent rights of occupancy were conferred on persons who were holders of lands. We are to make a clear distinction between people who want to take the registry of Puduval lands belonging to the Chiefs and people who are already land-holders. In this connection, the question is whether the idea of the payment of price for land was present in 1040 and 1068. Mr. Ulloor S. Parameswara Aiyar admitted that Government were in the habit of giving lands on *Otti*. That shows that the idea of taking a price for lands was in force. Some lands were given on *Otti* and other lands on *Venpattom* tenure. That disfinction was there. There is no meaning in saying that the idea of *taravila* a price for the lands came in only after 1068. It is clear that the idea was prevalent even before that date.

The case of holdings is quite different from that of Puduvals. Another argument that I have to advance is this. If a price is to be asked for from the tenants, and if many of them are not able to pay it and take registries, then the result would be something quite unsatisfactory and undesirable.

I would urge upon the honourable members one more point. We are legislating at a time when there is great scarcity of money. The result of compelling people, who are already in possession of the lands, to pay a price for them at the present time so that they may get permanent rights would be turning them out of their lands.

Then again, Sir, giving permanent occupancy rights to a tenant is not a new idea. That exists all the world over. In the Madras Presidency, a tenant's right to permanency of occupancy is conceded in respect of *Oodukur* lands. In Malabar, *Venpattom* tenants were given that right in 1930. Our Government also fell into line with other parts of the enlightened world and granted this concession so early as 1040. Now a certain portion of the territory of Travancore was left unsettled because they belonged to the Chiefs. These Chiefs now come forward for help from Government. We shall help them, provided the necessary and proper conditions are satisfied. Thus I support the amendment of Mr. Govinda Menon.

MR P. K. NARAYANA PILLAI (*Ambalapuzha I*): I oppose the amendment proposed by Mr. Govinda Menon. The very same question was the subject of very long arguments yesterday and the day before in this House in connection with this Bill. Yesterday I advanced certain arguments to show that a provision for the levy of *taravila* especially

LIBRARY ARCHIVES Kerala Legislative Assembly

at the rate of Rs. 15 at the most is quite tenable. Mr. Govinda Menon did not controvert my arguments. But Mr. Thanu Pillai says that the arguments are vitiated by a misconception. Evidently there is some misconception; but whether it is mine or Mr. Thanu Pillai's is what remains to be seen. Mr. Thanu Pillai's argument yesterday and the day before centred round two enactments, namely the Proclamation of 1040 and the Regulation of 1068 which had conferred permanency of occupancy upon the tenants of the Sirkar and the tenants of the two Edavagais, namely, Edappalli and Kilimanur. In the years 1040 and 1068 after the conferment of permanency of occupancy upon the tenants, the Sirkar proceeded to settle their lands. I said, in such circumstances, there was no justification for the Sirkar or any obligation on the part of the tenant to get or pay anything in the shape of *taravila* which was an idea that came into existence in the year 1069. *Taravila* had a very humble beginning which in course of time received developments for purposes of revenue *pari passu* with the rise in the value of land. Mr. Thanu Pillai says that I am in a misconception. According to both of us, this Bill is intended for two purposes, that is, for the settlement of the lands of two of the Edavagais and also to confer permanency of occupancy upon the tenants of those Edavagais. Even without a settlement, according to Mr. Thanu Pillai, this Bill proposes or should propose to confer permanency of occupancy. If permanency of occupancy is so designed in the Bill, well and good. But permanency is provided as a result of settlement, so much so, the settlement must precede and permanency of occupancy as a result of the settlement would follow. That is what is exactly provided for in the Bill. In Clause 7 of the Bill, it is stated thus:

> "Land-holders whose holdings have been dealt with but not treated and recorded as *thanathu* land at the settlement carried out in pursuance of this Regulation shall from and after the date of the settlement being declared complete by Our Government have subject to any such conditions as may have been lawfully imposed the same rights of permanent occupancy in respect of such holdings alienable and heritable as holders of land under Our Government."

Tenants who have got properties settled in their favour will have permanency of occupancy. Mr. Thanu Pillai proposes an amendment to that, but he has no quarrel with the sequence of the provision contained in Clause 7. He says "when the settlement of any particular holding is declared complete by Our Government, the tenant there will have the same right as a tenant who is in possession of Government land." On this scheme we have to settle the land first and then attach a particular significance to the settlement by way of permanency of occupancy in favour of the tenant. Such being the case, permanency of occupancy is made dependent upon the settlement. Then the question is this. Is there anything repugnant in demanding a *taravila* for the lands? These *Venpattom* lands are now lands belonging to the Chiefs concerned but subject to certain terminable terms. In such cases, what I submit is, there is no statutory provision as in the Proclamation of 1040 or the Regulation of 1068 to exempt the tenants from payment of

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai]

compensation for what they get in the shape of permanency of occupancy. So far as I am concerned, in the light of the provisions of this Bill, I am under no misconception whatsoever; and the charge of misconception has to be recanted by Mr. Thanu Pillai himself.

Some members were contending why any *taravila* or *tadivila* should not be realised. I will point out these circumstances. If it is to register land without *taravila* and *tadivila*, as a salutary step in the interests of the population, an example should be first set by the Government themselves. The attempt in this Bill is to assimilate the lands of the Edavagai Chiefs as far as possible to the Government lands. But in the case of registry of *puduval* lands, but which are not held under specific tenures, Government are realising *taravila* and *tadivila*. Not only that, they are insisting upon the tenants to meet the expenses of survey and demarcation of the holding applied for by the holders to be settled. The rates of *taravila* realised round about the lands of the Poonjar Estate are about Rs. 25 per acre going up to Rs. 100. Such being the case, the maximum rate fixed here, namely, Rs. 15, is far below the current rate. The Chiefs have been asked to bear the cost of settlement. They have to forego *tadivila* under the provisions of this Bill. Now, then, Sir, to say that the Chiefs shall not have— "

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Is *puduval* a holding?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : That will depend upon the meaning you attach to holding. So if the lands are to be settled without the payments of *taravila* and *tadivila*, it would be drawing a very invidious distinction between the occupants of lands in the Edavagais and elsewhere. Further, the Chief has now to find funds for the operations of the Settlement Department of the Travancore Government for the purpose of divesting himself of proprietory rights. As has been explained, the Chiefs should obtain electoral rights and franchise for the tenants. Some of the Chiefs are in an embarrassed condition. They have to borrow money and make the tenants happy, whatever be their own unhappiness. Mr. Thanu Pillai is of opinion that not a single cash is to be remitted to the Chief in the cost of settlement Why should they find funds for this? Why should they spend all this pretty penny so long as they can evict their tenants? If the tenants do not find it impossible to get the holdings registered, to the tenants is surrendered one-fourth of the value of improvements due to the Chief. These are the advantages that the tenants derive under the proposed system and to say that the tenants have no advantage to be derived under the proposed measure is quite incorrect. They get substantial rights. The value of holdings will go up, especially if the neighbouring properties continue subject to the existing rate of *taravila*. In view of these circumstances, there is a good case for a maximum rate of Rs. 15 payable in ten yearly instalments.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. R. ELENKATH (*Kalkulam I*): Is the member supporting the amendment of fixing the *taravila* to a maximum of Rs. 50?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am not. That the settlement should be conducted without the levy of *taravila* and at the same time subject to permanency of occupancy is a proposition which I cannot accept.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether Government levy any *taravila* in respect of lands over which the holders have a title or is it done only in respect of lands over which the holders have no title that Government levy *taravila*?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): The title may be a terminable title or a non-terminable one. In the case of *Nedupattom* lands, the holders have a particular sort of title. In the case of *Kuthagapattom* lands also, holders have a definite title.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there occupancy rights in the case of *Kuthagapattom* holders?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): So long as the terms are complied with, they have got such occupancy rights, if any, as may be stipulated. Here we are dealing with *Venpattom* rights. *Venpattom* tenants do not stand on a different footing from *Nadupattom* tenants.

The House adjourned for lunch at 1 P. M. and met again at 1·45 P. M. with be President in the chair.

PRESIDENT: The House will now resume the discussion on Mr. Govinda Menon's amendment to Clause 5 sub-clause (2) (i), of the Bill. Before any gentleman rises from his seat, I wish to make a statement, I think an unpleasant announcement, to the House that I have decided that we shall not rise at half past four, as usual, but sit until the Bill is completed. We shall have to sit as late as we can, or it will be rather a calamity to allow the Bill to get through very nearly completed and adjourn for months and months until the next session takes place. I do not think that the House itself will relish that.

MR. S. J. NAIR (*Nedumangad*): Sir, I was about to put a question to the member who spoke last before lunch. Referring to the speech of Mr. P. K. Narayana Pillai, I wish to put this question whether there is any substantial difference between the rights of the Sirkar *pattom* tenants, as they stood before the Pattom Proclamation of 1040 and the *Venpattom* tenants of Poonjar and Vanjipuzha as they now stand?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): What is exactly meant by substantial difference, according to my friend Mr. Nair, is not clear. I may say, however, that *Venpattom* tenants of Poonjar and Vanjipuzha have their rights determined according to the deeds of lease. They are dependent upon contracts. Old *Venpattom* tenure under Sirkar depended on *pathivoos* and customs.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT : Order, order. I think I have to draw the attention of the House to the Parliamentary custom that, whenever any member enters the House or leaves the House, he has to bow to the Chair.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : As for the *Venpattom* tenants of Sirkar lands before the Proclamation, they were more or less customary and not necessarily controlled by any contract at all. That is the difference that, I think, should be observed with respect to these two.

MR. S. J. NAIR (*Nedumangad*) : Sir, I support the opposition of Mr. P.K. Narayana Pillai to the amendment and in doing so, I submit that the amendment, if permitted to be carried, would materially alter the character of the Bill itself, and affect the interest of very many tenants. The Bill contemplates to suggest that all holdings, which are publicly settled, ought to be settled without *taravila* and *tadivila* or any alteration of the rent payable to the Chief. There is some erroneous notion on the part of some members of the House that this Bill if amended will affect the tenants of the whole of the Edavagai. If the Land Assessment Regulation and the Puduval rules of the Government are put into our hands, and at the same time this Bill is also put along with it, I submit, Sir, that I would prefer the contents of this Bill to the Land Assessment Regulation and the Rules thereunder, for the reason that this Bill is so favourable to the tenants of Poonjar and Vanjipuzha Edavagais, where *taravila* proposed to be fixed is too low, too meagre, too modest. I submit, Sir, that under the Puduval rules, the *taravila* ranges from Rs. 10 to Rs. 150; but here, under this Bill, it clearly provides a maximum amount of Rs. 15 only for one acre of dry land and Rs. 50 for one acre of wet land. So, under the circumstances, I submit, Sir, that the motion ought to be objected to and I oppose the motion.

PRESIDENT : I call upon the Law Member to speak.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : Sir,——

PRESIDENT : After I have called the Law Member to speak, I ought not to allow any member to speak ; but anyhow I shall allow you to speak.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : The matter before the House involves a substantial principle. The question now before the House is whether in respect of all *Venpattom* holdings under the Edavagais *taravila* should be levied in order to entitle the holder thereof to permanent rights of occupancy. Now, Sir, in this Section, requiring such payments of *taravila* two exemptions are provided, one is that, in the case of holdings with a term of more than 12 years to run no *taravila* is leviable and the other is where property is held under a usufructuary mortgage. Now, I ask what is the principle on which these exemptions are based ? Both the tenant for a term of years and the usufructuary mortgagee are liable to redemption, the first, after the expiry of the period for which the holding is granted, and the second, on payment of the mortgage money and

LIBRARY ARCHIVES Kerala Legislative Assembly

the improvements. There must be some reason underlying these exemptions, and I presume, Sir, that the reason is that in one case the tenant has been holding the property though as *Venpattam* for a certain length of time and in the other the holder has a monetary interest in the property. Now, both these are combined in the case of *Venpattom* tenants. Many of them have been in possession of the land for generations, nay centuries, have got their *tarwad* house on these lands, and look upon the property for all practical purposes as their own.

Again, they have improved the lands, by planting trees and constructing buildings and have thus acquired a substantial monetary interest in the property without discharging which the Edavagai cannot recover the property. Therefore, the reasons which apply to holders for a term of years and usufructuary mortgagees for exemption from payment of *taravila* must equally apply to *Venpattom* tenants who have been holding the land for a long time and have made substantial improvements. Now again, Sir, it is said that these tenants are going to get permanent occupancy right and that they must compensate the *jenmi* for it. Why should you not pay for the inestimable benefit of permanent occupancy right which you are going to get? The answer is that, the land-holder with a term as well as the mortgagee who has got both the length of time as well as the monetary interest in his favour being exempted from payment of *taravila*, the same reason must hold good in the case of *Venpattom* tenants who have length of occupation and monetary interest in their favour. Again, Sir, this so-called permanent occupancy right is only a theoretical right in the case of such holders for according to long-standing custom, practice and convention the *Venpattom* tenants are not evicted in actual practice.

Therefore, the *Venpattom* tenants who are compelled to pay *taravila* do not get any right practically in return. Then, again, Sir, this grant of permanent occupancy right is merely a cloak for giving the Edavagais the right of collecting their revenues under the Revenue Recovery Act. The real object of this legislation is to enable the Edavagais effectively to collect their dues which they have not been able to recover under the present conditions. They are said to be not able to recover even one-half of their dues for years past. Therefore, they want the Government to do for them what they are unable to do for themselves under the present law. It is the interest of the Edavagais and not of the tenants that is intended to be safeguarded by this Regulation. Now it has been pointed out forcibly that, when the *Venpattom* tenants were given permanent occupancy rights by Government in 1042, no *taravila* was levied. Mr. P. K. Narayana Pillai has mainly sought to answer this argument with the statement that the idea of *taravila* dawned on the Government only in the year 1067-68, but the tenancy was made permanent several years before that, and therefore no *taravila* was levied. This, to my mind, is no answer to the point. The fact remains that the Government did not think of imposing a *taravila* on the *Venpattom* tenants of the Government when they sought to give

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Changanachery K. Parameswaran Pillai.]

permanent rights to their tenants. Again, the Jenmi and Kudiyan Regulation invested the *kanapattom* holders with permanent rights of occupancy without the payment of any *taravila*. I do not want to take up the time of the House by mentioning more instances. I therefore submit, Sir, that, if this unreserved right of levying *taravila* and *tadivila* be enforced irrespective of the length of the occupation and the substantial monetary interest the tenants possess, it will be unfair and unjust.

Of course, it may be that the Edavagais have recently alienated or given on *Verpattom* several acres of land to persons from whom they would like to recover some kind of *taravila* in order to find some money to meet their settlement expenses. Well, in that case, some limitation should be made upon the tenure of the holding. If a man is holding it for, say, 5 or 10 years only, then of course some *taravila* may be provided for. There may be some justification for that. Of course, such cases should not be treated on the same footing as *Verpattom* holdings which were in the occupation of tenants for generations where they have their family home-stead in which not only the present holders but their fathers, grand-fathers and great-grand-fathers were born and died. I submit, Sir, that, without some such exception, to give unlimited support to this provision would be unjust and unfair to the tenants who have been in enjoyment of the property for very many years, who have been treating the property as their absolute freehold. I therefore support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to oppose this amendment. At the outset, I will remind the House of one fundamental fact which should always be borne in mind, namely, that this Bill seeks to regulate the relations between two private individuals, the Chief on the one hand and the tenants on the other. Right through, wherever we have to consider the merits of any provision in this Bill, it should be borne in mind that there are two parties, the Chief and the tenant, and that each has got what may be called property rights and contractual rights. It will be conceded that, in legislating on a matter of this kind, we should as far as possible proceed respecting the existing property rights and contractual rights; and, when any such right has to be over-ridden, it should be done only on some paramount reason; and whenever possible, there must be a *quid pro quo* for all rights over-ridden. This must be remembered in considering the provisions of this Bill, and I may say that the Committee, when they revised this Bill, had always this in their mind. Now, Sir, whatever we may say in regard to Government lands, or Kilimanur or Edappalli lands or *jenmom* lands, it cannot be forgotten for a moment that at the present day the Edavagai Chief in the unsettled Edavagais has got a right to recover the land held by the tenant, because he has no fixity of tenure. If he goes to a court of law, he can certainly recover the holding. These are days when everybody is conscious of his legal

LIBRARY ARCHIVES Kerala Legislative Assembly

rights. In ancient days perhaps everyone may not have been so conscious or may not have been very particular to press all rights. But now everybody claims and will claim all his right, and we must recognise the fact that it is open to the Chief to go to the civil court today and recover every one of the lands held by the tenants. The Government too had this right to recover their lands. If they did not exercise this right in regard to the Sirkar lands, it stands on a different footing, had other considerations behind it. But the Chief is a private individual having undoubtedly a right to recover his lands even through a civil court. Now, Sir, the Chief is prepared to surrender this right of recovery in favour of the tenant. It may be that the Legislature is forcing the Chief to do so: or it may be that he is voluntarily prepared to surrender. However we may view it, the fact is there that this undoubted property right of the Chief is going to be terminated once and for ever by this legislation. If that is the real fact, is it not reasonable that we should offer some compensation that there should be some *quid pro quo* ? Why should we go into the analogy of ancient thing? The Chief *has got* a proprietory right and it is going to be terminated. I am asking, if that is to be terminated, should there not be a *quid pro quo* ? It is only reasonable that there should be. He must, if possible, be given something in return for the surrender of his right. Exceptions may perhaps be conceived, but the ordinary rule is that he must be given something for what he foregoes. It was stated that Government, when they confirmed the possession of the *pattom* lands, did not levy any *taravila*. Reasons for that were suggested by Mr. Narayana Pillai and Mr. Paramesvara Aiyar. Whether those reasons will be accepted by the supporters of the amendment or not, I maintain that what was done by Government cannot supply any reasonable analogy or afford any reasonable argument when something has to be done or decided as between two private individuals. Government may, in the interests of the people, surrender many things because the people's interests are the Government's and the Government exist for the people. Government can do, and will do, many things for the benefit of the people but we cannot expect reasonably the same to be done as between private individuals. Sir, with regard to the Pattom Proclamation relied on in support of the amendment, I wish to invite the attention of the House to the terms of it. The wording of it is very relevant and instructive for the present purposes. It reads :

> " Whereas We earnestly desire that the possession of landed as well as other property in Our territory should be as secure as possible and whereas We are of opinion that, with this view, Sirkar Pattom lands can be placed on a much better footing than at present so as to enhance their value We are pleased to notify to Our Ryots....."

C 1

Thus we can see that it was a case of surrender. The Sirkar surrendered their right for the benefit of the people. Is it seriously contended that these private individuals, the Chiefs, should surrender their

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai]

rights for the benefit of the tenants ? It seems to me that some paramount reason must be pointed out as to why the Chief should be compelled so to surrender his rights. Nothing has been urged till now except the citing of the analogy of Government lands and the analogy of the Kilimanur and Edappalli lands, which have really no application to the present case.

In regard to the point raised just now by Mr. Changanachery Paramesvaran Pillai relative to the *jenmom* lands, in that case, no doubt, private individuals are concerned namely, the *jeamies* and the Kudiyans. But there is a very sound reason for a different treatment in the case of *jenmom* lands. The real basis for confirming the right of the *kudiyans* was that it was really an accepted custom that *jenmom* lands are not as a matter of fact recovered by the *jenmies*. It was on the basis really of an accepted custom that it was declared that so long as the *kudiyan* pays the rent, he shall not be liable to ouster—Further ... ...

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : Is there not such a custom in the case of the *Venpattom* tenants ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, not at all. Even in the case of *jenmom* lands, permanency of tenure was recognised only in the case of *kanom* tenants and not in the case of *Venpattadars*.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : What is the basis of the statement that in the case of *kanom* tenants there was a custom ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Royal Edicts of 1002 and 1005, the Royal Proclamation of 1042 and the other literature on the subject. What was then assured was that the custom was *not* to recover the lands so long as the *kudiyans* paid their dues correctly. On that basis the Statutes said that the *kanom* property shall not be redeemable.

MR. A. THANU PILLAI (*Trivandrum—Rural*) May I know from the member whether the *jenmi* has not got the right to evict the tenants under certain circumstances ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, under certain limited circumstances. I am only saying that the Proclamation of 1042 &c. proceeded on the basis that the *kudiyan* had by custom already a right to retain the *kanom* land permanently so long as he paid the *jenmi* dues. That apart, the *kanom* tenant, unlike the *verumpattakaran*, had advanced a substantial sum, the *kanom* amount, for obtaining the *kanapattom*. The *kanom* tenant is a mortgagee in some sense : and let me point out that in this Bill too, the proposal is that the mortgagees should be given permanency of tenure without the levy of any *taravila*, the reason for which is that he had

LIBRARY ARCHIVES Kerala Legislative Assembly

already advanced a substantial sum now, in regard to the ordinary tenants. I am submitting to the House the accepted fact that the Chief *has* today got a right to redeem the land and I contend that such a property right should be terminated only on paying compensation for it. There is also the fact that, probably in 1040, that is about 60 years ago, land was not perhaps very valuable ; and that may perhaps be one reason why no *taravila* was insisted on in regard to Kilimanur and Edappalli lands. I do not know what would have happened if that legislation came in today. It was suggested in the course of the debate that we are giving the Chief a very valuable right in that we are allowing the revenue recovery processes to be applied for the recovery of the Chief's dues. It is surprising that this is treated to be a substantial right. The Chief has already got an undoubted right to recover the rent; and the tenant has already got an undoubted liability to pay the rent, and the right can be enforced through the civil courts. The procedure that we are now proposing for the enforcement of this right is only to enable him to recover his dues through the revenue court instead of through the civil court. Is that a conferment of a substantial right? Is this a *quid pro quo* for the right that the Chief is made to surrender?

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether he will object to extending this privilege to other land-holders?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a hypothetical question.

PRESIDENT: We are now discussing a particular matter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It must also be remembered in this connection that this settlement of the Edavagai is not to be effected gratis. If the Chief makes an application for the settlement, he must pay the full cost of the settlement. If he is to be treated as anybody other than a private individual, why do you leave the cost of the settlement to be borne by the Chief when he makes an application for the settlement? It will be seen from Clause 3 that, when a Chief makes an application for settlement, he can do it only on undertaking to bear the full cost of the settlement. There he is treated as a private individual. If he were treated as a sort of public or a *quasi*-public institution, then the public should have paid the cost of the settlement. But the provision says that, if he makes an application for the settlement, *he* must meet the expenses. Are we not therefore emphasising the position that he is but a private individual and that it is in respect of private rights that we are legislating? If that is so, why should we deprive him of his proprietory right without giving him something in return? Then again, what is it that he will get in return? He is not, according to the Bill, getting any real price for his lands. He does not at all get a competition price or anything near it. He gets a settled price not exceeding Rs. 15 per acre. Those who know something of Poonjar and Vanjipuzha know that the value of

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai.]

land is Rs. 100 or Rs. 150 per acre even as between tenants when they are selling and purchasing the tenant's right which is only a terminable right. Now we are fixing it at only Rs. 15 which is but the maximum. Government can by rules fix it at Re. 1 or Rs. 2 or Rs. 3 or any amount within Rs. 15. Certainly this is not a competition price. That is only some *quid pro quo*.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know from the member the amount that the Sirkar is getting on lands in that locality ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I heard it said here by one of the members that it is not less than Rs. 25 in the case of the registry of Sirkar *pudurai* lands. My point is that the Chief is not really selling his land. If he is selling his land he must get the highest price obtainable. The man who pays the highest price must be given the land. But the Bill proposes that he shall not *sell* and that he shall not disturb the existing occupant. He is to be given only a nominal *taravila*, the maximum of which can only be Rs. 15. There is thus no question of sale and purchase. We are only proposing a *quid pro quo*.

Another limitation that we are placing upon the Chief's right is this. The Bill proposes that the rent that he can recover shall be strictly on the basis of the rent recoverable by Government in respect of Government lands. The Government are not recovering competitive rent, they are only recovering a settled rent. We are imposing on the Chief this limitation, *viz.*, that he shall recover only a settled rate and not a competitive rent. Having regard to this also, please consider whether it is right that we should deprive him entirely of some *quid pro quo* for the sacrifices that he is making.

Again, I must say that, so far as I have been able to understand the situation, there have not been any real complaints from the tenants in regard to this *taravila*. It will be seen from the report of the Committee that the Committee even heard counsel on behalf of the tenants and it did not appear that they were really concerned about the paying of some *taravila*. What they were particular about was that some concession should be given them in the manner of payment and that they should be allowed to pay in instalments.

MR. A. THANU PILLAI (*Trivandrum—Rural*) May I know from the member when the Select Committee's Bill in Malayalam was published ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That information is available to the member and I need not answer it.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) : Does not Mr. Govinda Menon represent the tenants ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I was submitting, Sir, that the complaint from the tenants

LIBRARY ARCHIVES Kerala Legislative Assembly

was but that they wanted some reasonable term for the payment of the fifteen rupees, and it is accordingly provided in the Bill that it may be paid in not less than 10 equal annual instalments Thus, even though Rs 15 is fixed as the *taravila*, the tenant will never have to pay more than Rs. 1½ per acre every year in any case. Is that too much of a price for getting a permanent right over the property with the assurance of a reasonable rent ?

This, I maintain, is a sound reason for the Legislature providing that some *taravila* may be given to the Chief as a *quid pro quo* for the sacrifices that he is making.

Next, in regard to the implications of the amendment, as it is framed. The amendment, if carried, will apply even to special contract transfers—I mean transfers not being the ordinary demises. For instance, in these Edavagais, some properties have been rented out on long leases for 99 or 100 years in favour of European planters and others. The amendment, if carried, will apply even to such cases also and will compel the registry, as permanent holdings, of such lands too without the levy of *taravila* and *tadivila*. According to the Bill, such long leases are not to be interfered with. There are also favourable tenures, like, for example, *tiruvullam* or *adima*, in regard to which the tenants already have permanent occupancy rights. Sir, the scheme of this Bill is that such permanent property rights must be respected and left intact. That is one of the chief objects kept in view throughout in the framing of this measure. In some cases, for a mere nominal rent, the Chief has given demises with permanent occupancy rights and fixity of rent. We want to respect such cases. Such tenants should not be called upon to pay anything more. If this amendment is carried, they too will have to pay the settlement rent, against the contract.

Just one word more. Reference was made to the fact that we do not propose to levy any *taravila* on mortgaged properties. As said before, that is because such properties had already paid some substantial sum to the Chiefs in the shape of the mortgage money and, in some cases, it may be that the mortgage amount is even more than the *taravila* now proposed to be levied. So, as a rough and ready rule, the Committee decided that, in such cases, no *taravila* need be paid, and that is the provision in the Bill as it stands. Sir, I oppose the amendment.

PRESIDENT : The amendment, is that:

"for all holdings being settled as registered holdings without the levy of any *taravila* or *tadivila*,"

be substituted for sub clause (2) (i),

The amendment was put to vote and lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I demand a poll.

A poll was taken and the House divided as follows :

LIBRARY ARCHIVES Kerala Legislative Assembly

AYES—11.

1	Mr. P. Chidambaram Pillai	7	Mr. Kainikkara M. Padmanabha Pillai
2	,, A. S. Damodaran Asan	8	,, Changanachery K. Paramesvaran Pillai
3	,, N. Govinda Menon	9	,, R. Raman Pillai
4	,, Puthupalli S. Krishna Pillai	10	,, A. Thanu Pillai
5	,, K. Kunjukrishna Pillai	11	,, N. E. Varughese
6	,, S. Nilakanta Pillai		

NOES—45.

1	Mr. N. Abdur Rahiman Sahib	24	Mr. K. M. Kuriakose
2	,, K. C. Abraham	25	,, C. O. Madhavan
3	,, T. K. Alexander	26	,, K. Madhavan
4	,, V. T. Chacko	27	,, M. K. Madhavan Pillai
5	,, A. Easwara Pillai (*Kottarakara*)	28	,, K. Mahomed
6	,, E. H. Francis	29	,, P. C. Narayanan Bhattatiripad
7	,, Antony George	30	,, K. A. Narayana Pillai
8	,, K. George	31	,, P. K. Narayana Pillai
9	,, M. Mahomed Haneef	32	,, G. Nilakantan
10	,, S. J. Nair	33	,, R. Nilakanta Pillai
11	,, M. K. Janardana Kamath	34	,, N. K. Padmanabha Pillai
12	,, T. S. Jayanthan Nambootiri	35	Rao Sahib S. Paramesvara Aiyar
13	,, N. John Joseph	36	Mr. Kayalam Paramesvaran Pillai
14	,, T. C. Joseph	37	,, V. Ramakrishna Panicker
15	,, K. C. Karunakaran	38	Rao Bahadur N. Ramanuja Aiyangar
16	,, T. T. Kesavan Sastri	39	Mr. P. G. Rama Varma Raja
17	,, K. M. Krishnan	40	,, K. Sankaran
18	,, K. P. Krishna Menon	41	,, R. M. Statham
19	,, E. V. Krishna Pillai	42	,, T. C. Thommen
20	,, T. Krishna Pillai	43	,, G. B. E. Truscott
21	Rao Sahib Dr. N. Kunjan Pillai	44	,, T. P. Velayudhan Pillai
22	Mr. C. V. Kunjuraman	45	,, T. K. Velu Pillai
23	,, E. K. Kunjuraman		

NEUTRALS—12.

1	Mr. S. Chattanatha Karayalar	7	Mr. Pacode A. Narayana Pillai
2	,, A. Easwara Pillai (*Kalkulam II*)	8	,, K. Padmanabhan
3	,, K. R. Elenkath	9	,, Edavanatt S. Padmanabha Menon
4	,, Pottayil S. Krishna Panicker	10	,, M. Sivatanu Pillai
5	,, N. K. Krishna Pillai	11	,, S. Thiraviam Nadar
6	,, M. N. Nair	12	,, V. K. Velappan Nair

The amendment was declared lost.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I beg to move that sub-clause (2) (ii) be deleted.

LIBRARY ARCHIVES Kerala Legislative Assembly

This sub-clause provides that permanent occupancy rights need not be conferred on holders of land for a term of 12 years and more and that such lands, subject to contracts of such long leases, may be recorded as *thanathu* lands of the Chiefs and left to be dealt with by the parties in accordance with the terms of their contracts or in such other manner as they may agree. Sub-clause (iv) (a) provides—

> "for the levy, in not less than 10 equal yearly instalments of a *taravila* not exceeding Rs. fifteen per acre of dry land and not exceeding Rs. fifty per acre of wet land for the settlement as registered holdings, of holdings without any term or with a term of less than 12 years to run, at the commencement of this Regulation.'

Sir, the effect of these two provisions is this. In the case of holdings with terms of less than 12 years, they will be settled, as registered holdings on payment of *taravila*. But in the case of holdings with terms of more than 12 years, they will not be so settled. Sir, what one would naturally expect is just the other way. It is the holders of leases for longer periods that are entitled to permanent occupancy rights more than tenants with short term leases. Under the provision as settled by the Select Committee, it is the lands leased out for 12 years and more that are to be regarded as *thanathu* lands left to the Chiefs to be dealt with as they like. It was no doubt suggested by the Law Member, either in connection with the last amendment or on some other occasion, that this sub-clause (2) (ii) was intended to apply to lands held on special contracts for long terms. There is no such statement in this clause as it is. It merely says that, whenever land is held for 12 years or more, permanent rights of occupancy will not be conferred. It seems highly objectionable. If there are special contracts under which lands are held for 100 or 200 years, such cases may be separately provided for. That has not been done here. All that the provision says is that, whenever the term is longer than 12 years, no settlement will be effected, permanent occupancy rights will not be conferred on the tenants and the Chiefs may deal with the tenants according to contracts or otherwise. That is very unreasonable.

I have also given notice of an amendment to sub-clause (iv) (a), for registry without payment of *taravila*. While on the sub-clause now under consideration, I shall be satisfied with its deletion since I propose to deal with the subject-matter of this clause along with the subject-matter of sub-clause (iv) (a).

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to oppose the amendment. I may explain the general scheme of this settlement in order to facilitate the further discussion. Before evolving the general scheme, the Select Committee examined the whole question. It was found that, ordinarily, the bulk of the demises were for 12 years with a provision for renewal for a further period of 12 years. In some cases the demises were for 25 years, 50 years or even 99 years.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether the number of cases in each of these categories was available to the Committee

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The member was in the committee and is in possession of the information and so I do not propose to answer the question.

It was found that in some cases lands had been leased for even 99 years, for instance, to European Planters and Rubber Companies. The Committee came to the conclusion that such contracts were of a special contract nature and not being of the ordinary type must be respected and left intact. Settlement of such lands and their rent may work hard either on the tenants or on the Chiefs. That was why we decided that such cases might be left alone and such lands might be treated as *thanathu* lands, something like 'private land' under the Madras Estates Land Act.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I know from the Law Member whether the expression 'not *less* than 12 years' in the last line of sub-clause (iv) (a) should not be 'not *more* than 12 years'.?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, that is a clerical mistake.

The motion that sub-clause (2) (ii) be deleted was then put to the vote of the House and lost.

PRESIDENT : The next amendment is that of Mr. Thanu Pillai for the substitution of sub-clause (2) (iii) as shown in the agenda paper.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : My amendment is that the following be substituted for sub-clause (2) (iii) :

"for lands held on usufructuary mortgages being settled as registered holdings without the levy of any *taravila* or *tadivila* or the repayment the of mortgage amount but subject to assessment as follows :—

(*a*) Lands on which the demand at the time of the settlement is found to be less than half the *pattom* assessment as contemplated in clause 5 (2) (viii), shall have the demand fixed at one-half of that assessment.

(*b*) Lands on which the demand at the time of the settlement is found to be more than half the *pattom* assessment shall have such demand confirmed and continued as the future demand.

(*c*) Lands on which the demand at the time of the settlement is found to be equal to or to exceed the *pattom* shall have the *pattom* fixed as the demand."

Sir, there is nothing original in what I have suggested. I take this provision from the Settlement Proclamation. It was according to this that *Pandaravaka Otti* lands, that is, lands held by tenants on *Otti* or mortgage, from Sirkar, were settled. The Bill also says that as far as possible the rules that were applied to the settlement of Sirkar lands should be made applicable to this settlement also. I am at a loss to see why there should be unnecessary or unjustifiable variations from that.

LIBRARY ARCHIVES Kerala Legislative Assembly

If Sirkar *Otti* lands were settled on these terms there is no reason why these lands should not be settled on the same terms. This relates only to *Otti* lands. Under the provision as put in by the Select Committee also, no *taravila* is to be levied but the assessment is to be the full amount of *pattom* as contemplated in sub-clause (viii). In the settlement of Sirkar lands it was different. The principle that I contend here is the same as that applied to the lands in Kilimanur and Edappalli. Now it was contended by the Law Member that here is a transaction between two private individuals and to take away their rights would be unfair, that some compensation should be paid and so forth. I submit for the very serious consideration of this House whether it would not be fair to see that these tenants who in respect of the methods of recovery of dues are to be dealt with like tenants under Sirkar are not to be given the concessions that Sirkar tenants were given. It is not a pure case of one man dealing with another man ; in that case, the Legislature would not have interfered in the way it is doing and somebody raised the question suggesting that if today one individual is going to acquire 50 square miles of territory whether the Legislature would enact a similar statute to help him. What is being done for the Chief is a great concession, which concession was not found necessary at the time of the settlement of other Edavagais. We ought to deal with the tenants in these Edavagais in the way in which tenants in other Edavagais were dealt with. So, Sir, I move this amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment. It must be noted that there is no analogy between the mortgage granted by Government in the ancient days, the lands held on what is called Pandaravaka Otti, and the mortgage given by the Chiefs of Edavagais. The reason is twofold. One is that Government never intended to redeem their mortgages whereas in the case of Edavagai Chiefs they generally redeem and intended to redeem such mortgages. Secondly in regard to the settlement of lands by Government, there is no imposition of *taravila* or value of the land. Here, we have already passed the provisions that the Chief is entitled to levy *taravila*. In the case of mortgages, we have made special provision. That seems to me to be a very equitable provision and that is what has commended itself to the members of the Committee.

The motion was put to the vote of the House and lost.

PRESIDENT : The next amendment is that of Mr. Govinda Menon to delete sub-clause (2) (iv) (a).

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That relates to the question of *taravila* which has already been voted upon.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Before proceeding, Sir, may I ask the Law Member to correct the printer's mistake ?

PRESIDENT : The next amendment is that of Mr. Thanu Pillai.

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MR. A. THANU PILLAI (*Trivandrum-Rural*): My amendment is, substitute the following for sub-clause (2) (iv) (a): "for holdings, (not being those held on permanent or irredeemable tenures or on usufructuary mortgages) being settled as registered holdings, without the levy of any *taravila* or *tadivila* but subject to the assessment of the full, *pattom* contemplated in Section 5 (2) (viii) as the rent payable to the Chief".

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): On a point of order Sir. In view of the fact that Mr. Govinda Menon was not allowed to move his amendment because it involved question of *taravila*, would Mr. Thanu Pillai be in order in moving this amendment?

PRESIDENT: Well, he makes an exception there. "For holdings, (not being those held on permanent or irredeemable tenures or on usufructuary mortgages) being settled as registered holding, without the levy of any *taravila* or *tadivila*, but subject to the assessment of the full *pattam* contemplated in Section 5 (2) (viii) as the rent payable to the Chief". There is some distinction between this and the other.

MR. A. THANU PILLAI (*Trivandrum-Rural*): The chief argument of the Law Member in regard to this point is that the Chief has at present the right to evict the tenants and he should not be made to lose that right unless a *taravila* is paid. I have only to answer, Sir, that he gets sufficient recompense for what he is alleged to lose. The Legislature is going to give the Chief ample facilities for collecting his rent. Why should the State interfere? Why should the Legislature go out of its way unless it be in consideration for something beneficial either to the whole State or to the tenants of the locality? And in claiming that we are not claiming anything extraordinary. This legislatoin will very greatly help the Chief to realise his dues and will considerably better his position. A statutory power is going to be exercised for realising his dues. As Mr. Changanachery Paramesvaran Pillai said, the Chief also is not going to lose anything. After all, what is the right enjoyed by the Chief now? He can get his dues; and cases of eviction are very rare. And from what we were able to understand at the meetings of the Select Committee, I can say that the Chiefs find it very difficult now to realise their dues. Then the question was asked "why don't you evict the tenants?" The answer was "It is impossible. We have a large number of tenants. We cannot file suits against them all. Thousands of suits will have to be filed. We are helpless". There the Legislature steps in and says "We will help you. You need not feel the difficulty any longer. We will enable you to realise the dues". Hereafter he will get his dues regularly. A very substantial right—a right that should normally he enjoyed only by the Government—is going to be conferred on the Chiefs; and they are asked in return to forego a shadowy right.

Then again most of the tenants have been holding their lands for years, for centuries. Under these conditions, Sir, I press this amendment

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I desire to say in reply to Mr. Thanu Pillai that the Chief is, in actual fact, helpless although he has the legal right to recover, and it is proposed that the Legislature should go to his help. The State has a duty to protect and defend the helpless individual. And when we are out to protect the Chief and suggesting remedies, what is it that the Chief should get? He would get rent, it is suggested. But that is undoubtedly due to him. Failing to get it, he should recover the land. That is the concession that he is offered. It seems to me that it is hardly worth the name of a concession.

The motion was then put to vote and lost.

MR. P. G. RAMA VARAMA RAJA (*Co-opted*): I move the following amendment:—

"Subtitute" 'more' for 'less'after "with a term of not more in line 4 of sub-clause (iv) (a)"

It is only a printer's mistake. The Law Member himself admitted that the amendment can be accepted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I agree to the amendment.

The amendment was accepted.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I move an amendment to sub-clause 2 (iv) (*b*) (ii) that the words,

"provision being however made notwithstanding anything in the contract that the rent payable during the currency of any period claimed and available under any covenant for the renewal of the holding shall be the *pattom* assessed on the holding at the settlement as contemplated in clause (viii)"

be deleted.

PRESIDENT: You want to delete sub-clause (iv) (*b*) (ii)?

MR. A. THANU PILLAI (*Trivandrum-Rural*): My idea is to delete the proviso in sub-clause (iv) (*b*) (ii), and not the whole sub-clause.

PRESIDENT: You did not move that in the agenda that is printed.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I beg your permission to move it.

PRESIDENT: The proviso alone need be deleted?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Yes, Sir. My object is this. Clause (iv) (*a*) provides that holdings in respect of which there is a term of 12 years or less will be granted as registered holdings on payment of *taravila*. Then clause (iv) (*b*) (i) provides that:

"for such holdings being treated and recorded as the *thanathu* land of the Chief wherever the land-holder is unwilling to pay the *taravila* and accept registry as registered holding".

There may be cases where the tenant has the right to hold the property for a term and he may not be willing or able to pay the *taravila* and accept registry as a registered holder. In such cases he cannot be summarily evicted because his right to hold the property for

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

the period has to be respected. Provision is made in clause (iv) (*b*) (ii) that *thanathu* lands should be left to be dealt with by the parties in accordance with their contract or in such other manner as they may agree. Seeing that my attempt to secure the lands for the tenants free of *taravila* has failed, my object now is to see that their contracts at least are respected. So my present object is to see that, in cases where the tenant is not able to pay *taravila* at least his contract should be respected. The Law Member was emphasising here that the rights of the Chiefs should not be unduly interfered with. Here is a tenant who on account of his poverty is not able to pay *taravila*.

MR. KAYALAM PARAMESVARAN PILLAI (*Addttional Head Sirkar Vakil*): May I know the portion that the member wants to delete?

MR. A. THANU PILLAI (*Trivandrum—Rural*): "provision being however made notwithstanding anything in the contract that the rent payable during the currency of any period claimed and available under any covenant for the renewal of the holding shall be the *pattom* assessed on the holding at the settlement as contemplated in clause (viii)".

The parties may have entered into an agreement and the term fixed in the document may be for 12 years. There may be a covenant to renew the lease which gives a further period of 12 years. This clause as framed by the Select Committee is to the effect that in such a case——

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. Mr. Thanu Pillai wants to delete a particular portion of that clause. But Mr. Raman Pillai's amendment No. 21 is to delete the entire clause.

PRESIDENT: There is a confusion, unfortunately, because of the manner in which the amendment was tabled. According to the original agenda in my hands, as also in the hands of honourable members, I suppose, the amendment is to delete sub-clause (iv) (*b*) (ii) of clause 2. Now the member who moves the amendment does not want the whole of that sub-clause to be deleted. All that he wants is that the words beginning from "provision being however made notwithstanding anything in the contract that the rent payable etc." up to the end of that sub-clause to be deleted. That is how I understand it.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I want to delete the words from "provison being however made— " up to the end.

PRESIDENT: Yes, that is how I understood it. You may now proceed.

MR. A. THANU PILLAI (*Trivandrum—Rural*): The lease may be for a term of 12 years and it may be renewed for another 12 years.

PRESIDENT: Order. Order. This unfortunate incident has caused a flutter in-as-much-as the members are not able to follow what the exact amendment is and, I think, have not understood it. The mover has got another amendment which is No. 21 in the printed agenda.

LIBRARY ARCHIVES Kerala Legislative Assembly

And therefore the amendment to delete sub clause (iv) (*b*) (ii) comes only afterwards. It would be better and in order if he takes No. 20 which merges in it.

MR. A. THANU PILLAI (*Trivandrum—Rural*): No. 20 is not my amendment.

PRESIDENT: I think the other one better be moved. Do you move your amendment, Mr. Raman Pillai?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I do not move.

MR. A. THANU PILLAI (*Trivandrum—Rural*): So, what I was saying was that a lease may be for a period of 12 years followed by a right for renewal at the expiry of the 12 years for another 12 years. So it may be altogether 24 years divided into two periods of 12 years each. At the time of the settlement 6 years from the commencement might have elapsed. The result may be that 6 years more for the tenant as part of the expressed term and then another 12 years under the covenant for renewal. The clause as settled by the Select Committee says that for the remaining 6 years which is expressed the tenant will have to pay rent at the rate agreed upon in the lease and thereafter for the period under the covenant for the renewal, rent should be paid according to the rate to be settled at the time of the settlement. That is the provision I object to. The provision says:

> "that the rent payable during the currency of any period claimed and available under any covenant for the renewal of the holding shall be the *pattom* assessed on the holding at the settlement as contemplated by clause (viii)".

That is highly objectionable for these reasons. In the first place, if the tenant is not to be given permanent rights of occupancy he gets absolutely no advantage. He has only to remain there for the period expressed in the lease and thereafter for the period provided for in the covenant for renewal. How can we in such a case get away from the terms of the lease? That is one thing.

Then again the clause suggested contemplates that at the time of settlement the rent will have to be fixed far in advance of the time when payment of it will commence. Suppose only one year has gone by since the lease. Then there are 11 years more to run of the expressed period. According to this provision, the rent settled at the time of settlement will begin to be paid only 11 years after the settlement. I ask is it right that you should settle today the rent that will begin to be paid 11 years hence? I say it is highly objectionable. In the meanwhile, anything may happen. The trees might be destroyed, floods may wash away the trees and the yield of the property may go down. Anything may happen. There may be greater economic depression then. How can we settle a rent that has to be paid only 11 years hence? That, I say, is highly objectionable.

Secondly, if the matter were settled by litigation, the courts may settle the rents on principles different from those adopted in the settlement. Abnormal increase will not be allowed by the courts. The courts

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

will take into account the custom of the locality in regard to the fixing of rents. Why should we impose upon parties terms that were not contemplated at the time of the agreement? So, Sir, I strongly urge the House the deletion of this provisio.

The provision with my amendment will read thus :—

'For such *thanathu* lands being left to be dealt with by the parties in accordance with their contract or in such other manner as they may agree."

The tenant has to pay *taravila*; he will be allowed to be in occupation only in accordance with the terms of the contract. For all these reasons, I move that the proviso to Clause 5 Sub-Clause(2) (iv) (*b*) be deleted.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment. The provision is made with a view to respect the contractual rights between the Chief and his tenant, as much as it is possible. On examining a number of documents, it was found that the ordinary provision in the lease deed is that the land will be enjoyed by the tenant at a rent fixed for a period of twelve years and that he should have a right of renewal for a further period of 12 years on a revised rent. If, during the period available under this covenant for renewal, revision of rent is sought, he has to be allowed that. That being so, the Committee had to decide the question of the revised rent in some equitable way. If you leave the parties te settle the rent as between them, there may arise disputes and the matter may have to go to a court of law. To avoid such a contingency and to smoothen the relationship between the tenant and the Chief, such a clause was inserted. Further the rent that is fixed at the time of settlement is likely always to be reasonable.

Mr. Thanu Pillai said that the trees in a holding might die. Yes. But trees might also increase. In exceptional cases, there may be decrease. We cannot go into very minute details and scruntinise all these rare and perhaps purely hypothetical things. Something may be urged on this side and on that side perhaps in a formal or technical way. The Committee thought it safe to have a very fair provision like the one in the Bill. I think there is no harm in such a provision being inserted in the Bill.

PRESIDENT : The amendment has been moved and seconded—

The words beginning from "provision" at the end of line 2 and ending with 'clause (viii)' be deleted.

Those who are for the motion will please signify by show of hands.

The amendment was declared lost.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, I demand a poll.

A poll was taken with the following result :—

LIBRARY ARCHIVES Kerala Legislative Assembly

AYES—20.

1	Mr. S. Chattanatha Karayalar	11	Mr. M. K. Madhavan Pillai
2	,, P. Chidambaram Pillai	12	,, K. A. Narayana Pillai
3	,, A. S. Damodaran Asan	13	,, Pacode A. Narayana Pillai
4	,, A. Easwara Pillai (*Kalkulam II*)	14	,, S. Nilakanta Pillai
5	,, A. Easwara Pillai (*Kottarakara*)	15	,, Kainikkara M. Padmanabha Pillai
6	,, K. R. Elenkath	16	,, Changanachery K. Paramesvaran Pillai
7	,, Pottayil S Krishna Panicker	17	,, A. Thanu Pillai
8	,, N. K. Krishna Pillai	18	,, S. Thiraviam Nadar
9	,, Puthupalli S. Krishna Pillai	19	,, N. E. Varughese
10	,, K. Kunjukrishna Pillai	20	,, N. Govinda Menon

NOES - 36.

1	Mr. N. Abdur Rahiman Sahib	21	Mr. C. O. Madhavan
2	,, K. C. Abraham	22	,, K. Madhavan
3	,, V. T. Chacko	23	,, P. C. Narayanan Bhattatiripad
4	,, Antony George	24	,, P. K. Narayana Pillai
5	,, K. George	25	,, R. Nilakanta Pillai
6	,, M. Mahomed Haneef	26	,, N. K. Padmanabha Pillai
7	,, S. J. Nair	27	Rao Sahib S. Paramesvara Aiyar
8	,, T. S. Jayantan Nambootiri	28	Mr. Kayalam Paramesvaran Pillai
9	,, N. John Joseph	29	,, V. Ramakrishna Panicker
10	,, T. C. Joseph	30	Rao Bahadur N. Ramanuja Aiyangar
11	,, K. C. Karunakaran	31	Mr. K. Sankaran
12	,, T. T. Kesavan Sastri	32	,, R. M. Statham
13	,, K. M. Krishnan	33	,, T. C. Thommen
14	,, K. P. Krishna Menon	34	,, G. B. E. Truscott
15	,, E. V. Krishna Pillai	35	,, T. K. Velu Pillai
16	,, T. Krishna Pillai	36	,, P. G. Rama Varma Raja
17	Rao Sahib Dr. N. Kunjan Pillai		
18	Mr. C. V. Kunjuraman		
19	,, E. K. Kunjuraman		
20	,, K. M. Kuriakose		

NEUTRALS—11.

1	Mr. T. K. Alexander	7	Mr. Edavanatt S. Padmanabha Menon
2	,, E. H. Francis	8	,, R. Raman Pillai
3	,, M. K. Janardana Kamath	9	,, M. Sivatanu Pillai
4	,, K. Mahomed	10	,, V. K. Velappan Nair
5	,, M. N. Nair	11	,, T. P. Velayudhan Pillai
6	,, G. Nilakantan		

The amendment was declared lost.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, I moye the following amendment :—

"For such *thanathu* lands being settled as registered holdings on the same conditions as are laid down in Section 5 (2) (iv) (a), if the landholder, at any time when he continues to be such, agrees to pay the *taravila* and accepts registry as registered holding"

to be inserted after Calause 5 sub-clause (2) (iv) (b) (ii).

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to a point of order. It seems to me that this provision if carried will go against the decision we have already come to. We have already passed the clause relating to the settling of the *thanathu* lands. After having done that, is it open to move another amendment on the same point?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : The Law Member says that, when my motion for deleting the proviso in Section 5 sub-clause (2) (iv) (b) (ii) was defeated, a provision for the settlement of *thanathu* lands cannot come in. That position cannot be supported, because what is it that we decided there. This is what we decided. "For such *thanathu* lands being left to be dealt with by the parties in accordance with their contract or in such other manner as they may agree, provision being however made... ....". We only provided there that when a tenant is not able to pay the *taravila* and gets registry of land as a registered holder, that land shall be treated as the *thanathu* land of the Chief, the tenant shall be in possession on payment of the rent agreed upon between him and the Chief for the express period, and that during the period available under any covenant for the renewal of the holding, the *pattom* fixed on the holding at the settlement shall be the rate. My proposal is that, at any time during the continuance of the tenancy, if a tenant comes forward and says, "well, I was not able to pay the *taravila* at the time of the settlement; now my condition has improved. I can spare something now. I shall pay the *taravila*. Please give registry of the holding as a registered land holder". If he comes forward and says that during the continuance of his tenancy, he should be allowed registry of the land as a registered land holder. That, Sir, is the effect of my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Then, may I know, whether this is meant as a further proviso to Section 5, sub-clause (2) (iv) (b) (ii)?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Yes, Sir; even though the other provisions have been thrown out, may I say that this is a further attempt on my part, a very earnest one, to safeguard the tenant's interests. I think nobody will oppose this proposal. If a tenant says that he will pay up the *taravila* and accept registry, there can possibly be no objection to that being allowed. Similar provisions we do find in British Indian enactments. The Madras Estates Land Act is an instance in point. There is a provision in it which says that, if a tenant who has not got permanent occupancy right at any time during the continuance of his tenancy desires to effect registry of his holding on satisfying the necessary conditions he must be given that right. The Zemindar should grant it. If not, the Collector would grant it.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Is it the suggestion of the member that taking and accepting registry should be left to the discretion of the tenant? That is, even the unwilling tenant should be given that concession and the settlement operation made unworkable?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum-Rural*): This is a time of grave economic distress. It is natural that the poor tenant may have every desire to continue in his holding where his father and grandfather lived and he may be unable to pay owing to economic distress at the time of the settlement.

I shall now refer to the parallel provision in Madras, *viz.*, Section 46 of the Madras Estates Land Act, which reads as follows :—

"Except in the cases falling under sub-sections (4) and (5) of section 6 and sub-section (4) of section 8, the land-holder, notwithstanding any contract to the contrary or the existence of any lease, shall, on the application of a non-occupancy ryot and on the tender by him of a sum equal to two and a half times the annual rent payable in respect of the land together with the cost of preparing any instrument required for the purpose, confer upon the ryot a permanent right of occupancy in respect of such land".

A similar provision in the Edavagai Bill will bring immense relief to the poor tenants, who are unable to pay the *tarav* : during times of depression.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Will not this amendment give shelter for land-holders who are unwilling to take registry at any time ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : After the tenancy terminates, the tenant cannot claim registry.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Suppose a tenant is allowed to continue a tenancy for a certain term, and that, so long as the term of his settlement, he is not able to pay and wants to put off payment according to the settled rates, rates fixed by State officers, does not this amendment give room for such tenants to continue not to pay the settled rates without bringing into effect any settement ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I spoke on that. Under the provisions now accepted by the House, so long as the expressed time continues, the tenant shall pay the rent agreed upon by him. During the period available under the covenant for renewal, he has to pay according to the settled rates.

PRESIDENT : Who seconds it ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. Our attempt in revising the Bill was to settle matters early and not to leave it unsettled.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I offer one word ?

PRESIDENT : Is it a personal explanation or a reply to the Law Member ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : A reply, Sir.

PRESIDENT : Well, I am afraid, no.

The amendment was put to vote and lost, 23 voting *for*, 30 *against* and 8 remaining *neutral*.

MR. S. J. NAIR (*Nelumangad*) : I demand a poll.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. J. Nair,]

A poll was taken and the House divided as follows :—

AYES—23.

1	Mr.	S. Chattanatha Karayalar
2	,,	A. S. Damodaran Asan
3	,,	A. Easwara Pillai (*Kallakulam I*)
4	,,	A. Easwara Pillai (*Kotta akara*)
5	,,	K. R. Elenkath
6		N. K. Krishna Pillai
7	,,	Puthupalli S. Krishna Pillai
8	,,	T. Krishna Pillai
9	,,	K. Kunjukrishna Pillai
10	,,	C. V. Kunjuraman
11	Mr.	E. K. Kunjuraman
12	,,	M. K. Madhavan Pillai
13	,,	M. N. Nair
14	,,	K. A. Narayana Pillai
15	,,	Pacode A. Narayana Pillai
16	,,	S. Nilakanta Pillai
17	,,	K. Padmanabhan
18	,,	Changanachery K. Paramesvaran Pillai
19	,,	R. Raman Pillai
20	,,	M. Sivatanu Pillai
21	,,	A. Thanu Pillai
22	,,	N. E. Varughese
23	,,	N. Govinda Menon.

NOES—30.

1	Mr.	N. Abdur Rahiman Sahib
2	,,	K. C. Abraham
3	,,	T. K. Alexander
4	,,	V. T. Chacko
5	,,	Antony George
6	,,	K. George
7	,,	M. Mahomed Haneef
8	,,	S. J. Nair
9	,,	T. S. Jayantan Namboothiri
10	,,	N. John Joseph
11	,,	T. C. Joseph
12	,,	K. C. Karunakaran
13	,,	T. T. Kesavan Sastri
14	,,	K. M. Krishnan
15	,,	K. P. Krishna Menon
16	,,	E. V. Krishna Pillai
17	,,	Rao Sahib Dr. N. Kunjan Pillai
18	Mr.	C. O. Madhavan
19	,,	P. C. Narayanan Bhattatiripad
20	,,	P. K. Narayana Pillai
21	,,	R. Nilakanta Pillai
22	,,	N. K. Padmanabha Pillai
23		Rao Sahib S. Paramesvara Aiyar
24	Mr.	Kayalam Paramesvaran Pillai
25		Rao Bahadur N. Ramanuja Aiyangar
26	Mr.	K. Sankaran
27	,,	R. M. Statham
28	,,	T. C. Thommen
29	,,	G. B. E. Truscott
30	,,	P. G. Rama Varma Raja.

NEUTRALS—8.

1	Mr.	E. H. Francis
2	,,	K. M. Kuriakose
3	,,	K. Mahomed
4	,,	G. Nilakantan
5	Mr.	V. Ramakrishna Panicker
6	,,	S. Thiraviam Nadar
7	,,	T. P. Velayudhan Pillai
8	,,	T. K. Velu Pillai

LIBRARY ARCHIVES Kerala Legislative Assembly

The motion was declared lost.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I move that the words 'to the land-holders' be substituted for the words 'to the Chief' in line 1 of proviso to sub-clause (2) (vi).

This clause provides that no *tadivila* shall be levied in respect of holdings when they are settled as permanent holdings. Now the effect of this is that no price would be paid for the trees at the time of the settlement. But in respect of the royal trees as they are called, the *kudivila* claimable from the Sirkar shall go to the Chief or rather continue to go to the Chief and not to the land-holder. I am unable to see any logic in this. When the right to the trees is given to the tenants, the right to the *kudivila* should also be given to them. *Kudivila* is the land holder's portion of the value of royal trees. There is absolutely no justification for reserving to the Chief the *kudivila*. There may be a difficulty arising in this way here. The Chiefs claim all the rights in respect of these lands and the trees standing on them, but in regard to the royal trees the Sirkar takes half. It may be that, in the case of these royal trees, the trees might belong to the Chief and the Sirkar have absolutely no right whatsoever. If the Sirkar have no right to the land or the trees thereon, how can the Sirkar have any right in respect of certain trees? That may be a disputable point. All the same, when the right of the trees goes to the tenant, there is absolutely no reason why the right to *kudivila* should not be given to him and the right to the other half of the tree value is a matter for adjustment between the Chief and the Sirkar. But that does not mean that the right of *kudivila* should be reserved to the Chief. Therefore, I move the amendment that the right of the *kudivila* should be paid to the land-holder.

MR. K. R. ELENKATH (*Kalkulam I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. As matters stand today, the Chief is entitled to evict the tenant and to sell the lands. We are taking it away leaving but a nominal *tarxvila* for the permanent registry of the land in favour of the occupant. There does not appear to be any sound reason why the amount which the Chief can recover in cash in respect of the land should be transferred over to the tenant. The Committee has therefore come to this conclusion and I support that position.

PRESIDENT: The motion before the House is 'substitute the words "to the land-holder" for the words "to the Chief" in line 1 of proviso to sub-clause (2) (vi)."

The question was put and the motion was declared lost.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I move that the words ' in respect of which *melvaram* is being levied by the Chief' be substituted for the words "provided for in sub-clause (i) and on jenmom lands" in line 2 of sub-clause (2) (ix).

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

The present sub-clause reads thus :

"for the imposition of a *melvaram* for payment (over and above the rent otherwise payable) to the Chief on holdings provided for in Clause (i) and on *jenmom* lands and for the rates of such *melvaram* being fixed at one-eighth of the *pattom* assessable on such lands, provision being however made that the total demand on the land for rent and *melvaram* together shall not exceed the amount of the *pattom* :

So it provides for the imposition of what is called a *melvaram* for payment to the Chief on holdings provided for in sub-clause (i) and on *jenmom* lands. I seek to add these words, 'in respect of which *melvaram* is being levied' and to omit the words 'provided for in clause (i) and on *jenmom* lands'. My object is this. As it stands, the clause provides that in every case provided for in sub-clause (i) and on all *jenmom* lands *melvaram* shall be payable to the Chief. The cases provided for in sub-clause (i) are cases where the tenants have already got permanent occupancy rights. This is how the provision in sub-clause (i) reads :

'For the holdings held on permanent or irredeemable titles being settled as registered holdings without the levy of any *taravila* or *tadivila* or any alteration of the rent payable to the Chief.'

Hereafter according to sub-clause (i) (ix) over and above the assessment leviable in accordance with the contract between the parties the holdings are also subject to a payment of this *melvaram*. Then again, all *jenmom* lands shall also be subject to this *melvaram*. So these are the two kinds of lands that are sought to be made subject to *melvaram*. My contention is, there is no justification for it. No satisfactory evidence was forthcoming before the Select Committee and nobody was in a position to say in respect of what kinds of holdings this *melvaram* is being levied. It is claimed to be something in the nature of *Rajabhogam*; in respect of some favourably assessed lands, lands not assessed to the full *pattom*, *Rajabhogam* is levied. One-eighth of the full *pattom* is *Rajabhogam*. Corresponding to that here also *melvaram* is sought to be levied. But one does not know whether *melvaram* is actually being levied in either of these Edavagais. The information supplied by the representative of one of the Edavagais, namely, the Vanjipuzha Edavagai, was that in that Edavagai the practice is not to levy any *melvaram* at all. Still, if there is any holding there that is not assessed to the full *pattom*, this *melvaram* has to be paid. That will be a new liability imposed on the tenants though not contemplated by the parties. Then we do not know the conditions under which the lands which are not subject to the full assessment have been transferred by the Chiefs. The provision is, I think, grossly unfair to the tenants. So, what I seek now to do is to substitute the words 'in respect of which *melvaram* is being levied by the Chief' so that the Chiefs will get *melvaram* only from those lands from which they are getting it now.

Secondly, I was given to understand in the Committee meetings that in Poonjar Edavagai no *jenmom* land has been demised on *kanom*. The practice in respect of *jenmom* lands is to levy this *Rajabhogam* or one-eighth of the full *pattom* which corresponds to the *melvaram* on

LIBRARY ARCHIVES Kerala Legislative Assembly

jenmom lands only when they are demised on *kanom*. When the land is in the possession of the *jenmi*, it is not subject to *Rajabhogam* or one-eighth assessment. It is only when the *Jenmi* demises the land on *kanom* to tenants that it becomes subject to this *Rajabhogam* or ene-eighth assesement. In Poonjar no *jenmom* land is demised on *kanom* Then how can we seek to impose this *melvaram* on *jenmom* lands in Poonjar, I wonder. It can be easily seen even from the Government Administration Reports that in respect of *jenmom* lands they are subject to *Rajabhogam* only in case they are demised on *kanom*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): What about the *melavaram* settlement on *cherikal* account?

MR. A. THANU PILLAI (*Trivandrum-Rural*): The member may say what it is. I am speaking of *jenmom* lands. So far as the Sirkar is concerned, the *jenmom* lands are subject to *Rajabhogam* only on demise on *kanom*. Here there is no demise on *kanom* whatsoever, Also *jenmom* land has been defined differently from the *jenmom* lands defined in the Jenmi and Kudyan Regulation. In it the *jenmom* land is such land as is in the possession of the tenant and demised on *kanom*. Here it says that it is *jenmom* land whether demised on *kanom* or not. We are legislating utterly in the dark. Therefore it is that I say that only where the Chief is now levying *melvaram* he may be allowed to continue to do it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. What Mr. Thanu Pillai suggests is, let the amount be levied wherever it is being levied now. I submit, Sir, that in a settlement that we are projecting we want something definite for the Settlement Officer to proceed upon.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it not possible for the Settlement Officer to decide whether *melvaram* is being levied in respect of a holding or not?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) I say we want some settled principle on which the Settlement Officer can proceed. Otherwise, he will have to go and make an enquiry in regard to each holding and come to varying conclusions. We want to lay down a definite rule. Where a holding is subject to a lower assessment than the usual, then let the tenant pay *melvaram* just as *Rajabhogam* is levied by Government. Mr. P. K. Narayana Pillai asked Mr. Thanu Pillai whether *melavaram* is levied on *jenmom cherikal* lands. Yes, I think that some amount is levied. It is not right to say as an absolute rule that if *jenmom* lands are not alienated, *melvaram* should never be levied.

Sir, as I was saying, what the Committee tried to do was to make things settled. They sat over the measure for 17 days and they have come to the conclusion that *melvaram* might rightly be levied on holdings subject to a favourable assessment.

LIBRARY ARCHIVES Kerala Legislative Assembly

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Is the Vanjipuzha Chief also allowed a right which he had not hitherto?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I never said that the Vanjipuzha Chief has no such right. I do not accept Mr. Thanu Pillai's statement.

MR. A. THANU PILLAI (*Trivandrum-Rural*): A word of personal explanation. I made a statement which the Law Member denies. Mr. Sreedharan Pillai, an agent of the Chief of Vanjipuzha, definitely told us in the committee that *melvaram* was not levied in Vanjipuzha. On the basis of that, I made the statement.

PRESIDENT: The motion before the House is to substitute the words 'in respect of which *melvaram* is being levied by the Chief' for the words "provided for in clause (i) and on *jenmom* lands' in line 2 of sub-clause (2) (ix)".

The question was put and the motion was declared lost.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): I beg to move the following amendment:—

Add at the end of sub-clause (2) (ix) the following:—

"Provided (1) no further *melvaram* shall be levied on holdings for which *Rajabhogam* has already been imposed by the grants under which they are held and is payable as such.

(2) No *melvaram* shall be levied in cases where, from the nature of the title under which the lands are held, no *Rajabhogam* can be claimed".

The word '*melvaram*' is not defined in this Bill. So I think that *melvaram* is used in the place of *Rajabhogam* in Sirkar records. My fear is that a property once charged with an assessment may again be liable to a further assessment of the same kind. That should not be allowed. So a property once charged for *Rajabhogam* should never be charged again for *melvaram*. There are certain documents from which it may be seen that *Rajabhogam* is charged on certain lands and in regard to such lands *melvaram* should not be charged again.

PRESIDENT: The motion is lost for want of a seconder.

That disposes of all the amendments to Clause 5. The question I have to ask is whether Clause 5 as amended by the House do stand part of the Bill.

The Clause as amended was added to the Bill.

Clause 6.

The question that Clause 6 do stand part of the Bill was put to vote and carried. The Clause was added to the Bill.

Clause 7.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I beg to move the following amendment:

Substitute the following for Clause 7:

"The holders of lands within an Edavagai or part of an Edavagai in respect of which a settlement has been carried out in pursuance of this Regulation shall, from and after the date of the settlement being declared complete by Our Government, have the same right of permanent occupancy in respect of their holdings alienable and heritable, as holders of land under Our Government."

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, the object of the amendment is to try and give effect to the real object of this piece of legislation, *viz.*, to give permanent occupancy rights to the tenant.

MR. K. R. ELENKATH (*Kalkulam I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. Although, technically, Mr. Thanu Pillai may not be out of order in moving this amendment, he will himself concede that this amendment does not arise in the light of the provisions already adopted by the House.

The amendment was put to vote and lost.

The question that Clause 7 do stand part of the Bill was then put to vote and carried. The Clause was added to the Bill.

Clause 8.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I have given notice of the following amendment:—

Substitute the following for Clause 8:

"8 (a) Assignment of lands within an Edavagai shall be regulated by the law for the time being in force relating to the assignment of Government lands and shall be made by officers of Our Government authorised by Our Government in that behalf. The assignees shall be deemed to be registered land holders.

(*b*) No assignment of *thanathu* lands in the possession of a land-holder shall be made in favour of a person other than such land-holder so long as he continues as such."

Clause 8 in the Bill, as it is, provides:

"It shall be competent to the Chief to make assignments of *thanathu* lands; but such assignments shall be made in accordance with the law and rules for the time being in force for the assignment of Government lands so far as they are applicable and subject to the rights, if any, of their parties. Such assignees shall be deemed to be registered land-holders."

That empowers the Chief to make the assignment of *thanathu* lands. My objection to that is this. Practically, the law and the rules regulating to the revenue administration of Government are sought to be made applicable to the Edavagai lands also. No lengthy argument is needed to show that, when private individuals are given the power to assign lands, difficulties may arise, doubts may arise, as to whether the lands have actually been assigned, the extent of the lands so assigned, as to whether the records are kept properly, and so forth. There may be deviation from the rules. No doubt, there is provision for errors being corrected on appeal. But, that is only after all manner of difficulties have been created. The best course, therefore, will be to provide that the assignment is to be done by an officer of Government.

MR. K. R. ELENKATH (*Kalkulam I*): May I know who is to meet the cost on account of the salary of such officer?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Of course, the Chief.

I move only the substitution of sub-clause (*a*). Sub-clause (*b*) of my amendment as in the agenda, I admit, does not arise in view of one of my former amendments which has been thrown out.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second the amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment, Sir. The lands are taken to belong to the Chief ; in any event he has many proprietory rights ; it is, therefore, only reasonable that they should be left to be dealt with by the Chief himself. Government and their officers need interfere only when there is any necessity. No necessity has been made out. The rules prescribed in the case of the assignment of Government lands are binding on the Chief also. I do not think anything more is necessary.

The amendment was put to vote and lost.

MR. N. GOVINDA MENON (*Co-opted*) : There appears to be a printer's or clerical error in the clause as it is in the Bill. The word 'their' ought to be 'third' in line 4 of the clause.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. Before the clause is put to the vote of the House, with your permission, Sir, I beg to move that the word 'third' be substituted for the word 'their' in the fourth line of Clause 8. It is a printer's mistake ; the amendment is only a formal amendment.

The amendment was put to vote and carried.

The question that clause 8, as amended, do stand part of the Bill was then put to vote and carried. The Clause was added to the Bill.

Clause 9.

MR A. THANU PILLAI (*Trivandrum-Rural*) : I move that Clause 9 be deleted.

Clause 9 provides for the eviction of persons in unauthorised occupation of land either before or after the commencement of this enactment. Sir, the Land Conservancy Regulation has been enacted with a view to prevent unauthorised occupation of Government land. Now, the provisions of that Regulation are sought to be made applicable to the lands in these Edavagais also. It is difficult to see the propriety of that. No doubt, provisions have been enacted enabling the Chiefs to get their lands settled. But, to extend the provisions of the Land Conservancy Regulation to the Edavagais and to provide for the eviction of unauthorised occupants of Edavagai lands is clearly wrong. Sir, the Land Conservancy Regulation is a measure intended to help the Government in preserving public land, land in which the public in general are interested. Public interests require that enactment. The position of these Chiefs is certainly not that of the Government. Government have lands throughout the State and the properties and revenues of Government are public property and public revenues. The whole State is interested in them. Government is intended for the benefit of the people. The revenues of the Chief, on the other hand, go to enrich only the Chief and not any section of the people. There is considerable justification for evicting a person who unauthorisedly occupies public property, Government land, by summary processes. There can be absolutely no justification in giving such protection to private individuals and their property. Sir, when my property is encroached upon, I must depend upon my resources to evict the trespasser, the unauthorised occupant, through the courts of law. The

LIBRARY ARCHIVES Kerala Legislative Assembly

Chiefs are rich enough, they have got resources enough, to seek redress through the courts in the land. On principle, therefore, the provision is utterly wrong.

Sir, about ten years ago, a similar attempt was made to introduce a Bill extending the provisions of the Land Conservancy Regulation to the Kilimanur and Edappalli Edavagais. The Legislature—it was the Legislative Council at that time—rightly rejected the Bill. They did not even accept the principle of the Bill; even introduction was not allowed. Now, Sir, ten years afterwards, the same provisions are sought to be made with respect to two other Edavagais.

In practice also, the working of this provision in the case of the Edavagais will be fraught with dangers and difficulties. In the case of Sirkar lands, we can depend upon the records kept by Government The Chiefs may or may not keep records; and, even if they have records, I do not know how far they would be reliable. Even without any record, the Chief might have allowed the occupation of lands. The occupier, trusting in the Chief, might have effected improvements on the land and the Chief might have been actually benefited by such occupation and improvement Later, the Chief may begin to dislike the man. There is nothing on record to evidence his occupation. The permission is granted by the Chief. The Chief says he is a man who is in unauthorised occupation of the land. The provisions of the Land Conservancy Regulation are put into effect. The man is evicted. Is it a procedure this House can countenance? Where is the guarantee that everything will be done rightly and properly? Who is to decide whether the occupation is unauthorised or not? The Chief may ask him to leave the land. In a court of law an elaborate and satisfactory enquiry would be made. All available evidence can be adduced and an officer who is able to deal with the matter, who has experience in taking and sifting evidence, tries the case, takes evidence, hears the parties and finally decides. Here if some Revenue Officer takes action under the Land Conservancy Regulation, we know what kind of enquiry he will make. So far as Government lands are concerned, there will be records to evidence lawful occupation. But in the case of these Edavagais, where are we to go for the records? How far evidence will be admitted, what kind of enquiry the officer will make, all these are questions for the House to consider. The security of rights will be affected. Then there is the further provision in the Bill which also, I am afraid, will be carried by a majority whereby the Chief's agent is to be empowered with the power to evict the occupant. I am only anticipating that this provision will be passed.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether this provision will lead to corrupt practices in the Agents?

MR. A. THANU PILLAI (*Trivandrum-Rural*): It will lead to all manner of corrupt practices, practices of a very unwholesome character.

Sir, I may more or less prejudge it and take it that the Chief's agent may exercise the power. What safety is there for the tenant? I

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LIBRARY ARCHIVES Kerala Legislative Assembly

[A. Thanu Pillai.]

move that this be deleted. No doubt there is the provision that under certain conditions a person in occupation shall be given the option to pay *taravila* and take registry. That is nothing in the face of this objection.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second it and in seconding this motion, I have to state a few facts just for the purpose of supplementing what the Honourable member has already stated. I have already tried to impress upon this House the justice and the justification for the bringing into existence of the Land Conservancy Regulation and its retention in the Statute Book. I would only make one further observation in regard to that. It has been systematically referred to in the speeches made by several of the Honorable members of this House that these lands should be treated on the same footing as Government lands and these lands should be given the same protection which the Government lands obtain under the Land Conservancy Regulation. Sir, the Land Conservancy Regulation was promulgated and accepted in order that Government may give away these lands for the benefit of the public. Put that idea on one side and consider whether the same principle is the guiding principle in enacting this Section. It has been stated here that the lands belonging to these Chiefs have been unauthorisedly trespassed upon and have been improved out of their control. For the purpose of preventing that and for the purpose of putting a weapon in the hands of the Chiefs for evicting such trespassers, this Section is brought into being. As I tried to emphasise yesterday, I might go one step further and state that, if the Chiefs are completely helpless to-day, are not as self-reliant as any other citizen who lives in the State and want extraordinary powers of protection for the purpose of shielding their property, we might give it. We might consider whether we can give it. But, Sir, in the case of lands which are already in the occupation of tenants and on which improvements have been effected, to make a provision that, if the tenant does not pay an additional enhanced penalty of twice the amount that has been paid by the ordinary holders, he stands the risk of being evicted. And what is the consequence of eviction? He has to walk out of the property without being entitled to ask for the value of improvements he has already effected on the land. Until the moment this Bill comes into life, a person who has effected valuable improvements upon another person's land, even though it commenced by way of trespass, is entitled to get compensation for it. Are we justified, are those who spoke vehemently for the protection of the Chief justified in saying that an honest citizen who has spent labour and who has invested money is to be turned out without allowing him an opportunity for maintaining his own rights? The law as it stands substantially helps him. But the law as it would be hereafter completely deprives him of the right which he possesses now. What is the *quid pro quo* as the Law Member put it? It is stated he has two months' time given to him. For what? For the payment of penalty that is imposed here, Rs. 30 in the case of dry land and Rs. 100

LIBRARY ARCHIVES Kerala Legislative Assembly

in the case of wet lands. That is the penalty. What about the improvements? Suppose he says he does not want registry of the land. What will his position be? The Chief's officer will immediately come forward and neck him out and he will have to go without getting a pie for what he has already done. Therefore, Sir, in regard to the Section there are two important provisions, one in regard to persons who unauthorisedly enter the land after the Regulation comes into force and the other who have already come and effected improvements. Much distinction has to be made and the two kept separately. No doubt, there is one amendment coming out in regard to this matter, *i. e.*, amendment No. 40. If the first portion of this clause is to stand, that is, if the present amendment is lost, we get one more opportunity for the purpose of deleting at least the most deleterious portion from the Section. It is no doubt a high privilege that is sought to be conferred upon the Chief. Sir, in regard to the protection offered to these persons, the Government till this moment thought that no Chief, however extensive might the estate be that belongs to him, is not entitled to gain such protection at the hands of the Government. That is why the Estates Rent Recovery Act of 1068 was passed as it is. I do not certainly believe that the persons who were living in the year 1068 and before were not as lawless as the persons who live today. If Government in 1068 did not think that there was any necessity for conferring any extra protection on the Chief, Sir, I fail to see the special reason that we have at present for the purpose of conferring this wide protection on all the Chiefs to-day.

There is one more point I have to emphasise. If an ordinary private citizen's land is trespassed upon by a third person, his only remedy lies in the Criminal Court or Civil Court. Every person's right has to be protected. I submit that as a citizen I am entitled to protection equally with any other citizen living in the State; and if my property is trespassed upon, I have to resort to these two tribunals for redress. I do not see why another under the same conditions should have a less cumbersome and less expensive method: I should also get a speedy method of protecting my right. So, I submit, Sir, there should be no distinction made.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment. The security and stability and all that which are supposed to have been jeopardised are all pleaded in most eloquent terms. But, for whose sake and to secure what? It must be remembered that the provision in the Bill relates to the eviction of *trespassers*. A man enters wrongly into another man's land; when we make a provision to right it, it is said the security is affected.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Am I to undersand that this provision relates only to eviction of trespassers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am saying that all the eloquent terms were used for maintaining a trespasser, a wrong-doer, in his wrongful act. Mr. Thanu

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai.]

Pillai cannot question that fact. Then, it is said that the injured individual has other remedies open to him such as resort to Criminal and Civil Courts. Mr. Krishna Pillai also said that it should be easy to evict a tenant. If a man enters on another's land, it should be easy for him to evict the trespasser immediately. Yes there should be a remedy. What is provided in this Clause is a summary remedy of restoring the property to the real owner. Sometimes perhaps some nice questions may have to be decided. These can be ulimately left to be decided in a civil suit. Although proceedings are allowed to be taken under the Land Conservancy Regulation, a suit is not prohibited. We are not saying that the Revenue Officer's decision shall be final. It is a sort of primary remedy only we are providing.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it possible for a person to claim value of improvements after the enactment is passed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be. In regard to the land trespassed on, I am saying that the summary remedy that is provided here is not unusual; and apart from that, summary remedy proposed is against a person who has wickedly entered upon another man's land.

This provision for summary eviction will apply only to persons who have trespassed on the property after the commencement of this Regulation knowing fully well the rules enacted and the consequences involved in the act. With regard to persons who have entered and already occupied the land before this measure is passed, he can get a registry of the land at rates fixed by Government and he need not necessarily go out of the land. He has to pay for the registry a *taravila* not exceeding Rs. 30 per acre of dry land and Rs. 100 per acre of wet land. Is it too high? To people who trespass after the passing of this Regulation, why should any concession be shown at all? People who have already been occupying and have been reaping the benefit of the land, they may be called upon to pay a *taravila* and take registry of the land if they please; if not, they may go out of the land. I do not see why any further concession should be shown to them.

PRESIDENT: The question is whether Clause 9 be deleted.

The motion was put to the vote of the House and lost.

MR. N. GOVINDA MENON (*Co-opted*): I move that the following proviso be added to Clause 9.

"Provided also that in case any such person is evicted under this Section, the value of improvements effected by him shall be assessed according to rules prescribed and offered to him before such eviction.'

My reason is this. As has been submitted, this provision of law which has been extended to the Chiefs is very hard and an extraordinary one. Under the earlier part of the clause, the Chief is given the power to summarily evict persons who have unauthorisedly occupied the lands after the coming into operation of this

LIBRARY ARCHIVES Kerala Legislative Assembly

Regulation. But to those persons who have already entered the lands, and who have expended much money and labour to improve the lands long before this Regulation comes into force, it is certainly very hard to let them go out of the property by summary processes without their being paid any compensation for the money and labour they have spent. It is the ordinary law of the land that, to those persons who have improved the properties and bettered their condition so as to increase their value, the owner has to pay for the value of improvements found on the properties at the time of eviction. That very elementary right under civil law is being negatived by this legislation.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I wish to know as to who is to prescribe the rules contemplated in the law.

MR. N. GOVINDA MENON (*Co-opted*): For that there are provisions in the Bill itself.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is the member aware that it is contemplated that rules on this subject shall be prescribed by Government?

MR. N. GOVINDA MENON (*Co-opted*): Yes. But unless it is specifically said that rules are necessary, they may not be prescribed under this Regulation. Of course the rule-making power is given for the purpose of certain things for which rules are necessary and rules have to be prescribed for the assessment of the value of improvements on this class of lands. So what I say is that the right of the occupier should be respected. The Honourable Law Member was saying a few minutes ago that, as far as possible, vested rights have been respected in the drafting of the Bill by the Select Committee. Is it not the vested right of the occupant to get compensation for the improvements he has effected when he is evicted? His only right was to get the value of improvements, when evicted, through the civil court. That right has been denied to him and my proviso only makes it possible for the occupant to get the value of the improvements effected by him at the time of eviction. So I move that this proviso also be added as a second proviso to Clause 9.

MR. K. R. ELENKATH (*Kalkulam I*): In seconding the amendment, I would appeal to the House to see that this amendment does not meet with the fate of the other amendments; for this makes only a very moderate demand. I presume that rules will be forthcoming based on the provisions of the Bill, which will make clear doubts, if any, and convert the Bill into a practicable or workable scheme. So I appeal to the House to support this amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I have to submit a word in support of the motion.

PRESIDENT: I have already called upon the Law Member to speak.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose this amendment. I shall at the outset explain what the effect of this amendment will be. It will be seen that trespassers are divided into two classes. One, those people who have entered on the lands before the commencement of this Regulation and the other, those who trespass on the lands after the passing of this Regulation knowing fully well the rules and knowing full well the consequences of what they are doing. I have no sympathy for the latter class of trespassers for they know full well the consequences. Why should they be given any concession? They should be summarily evicted. No concession should be shown at all to trespassers who enter the land after the commencement of this Regulation. No doubt some concession may be shown to the other set of trespassers and that concession is proposed already to be given. It is open to them to get a registry of the land by payment of Rs. 30 per acre of dry land or Rs. 100 per acre of wet land. When that concession is provided, there is no necessity to provide for the value of any improvements being given.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : Do not civil courts allow the value of the improvements?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. But, here we compel the Chief to grant the land to the trespasser on a reasonable *taravila*.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon I*) : If the tenant wants only the value of his improvements and not the land?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He can compel the Chief to grant the land registered in his name. If he says he does not want the land, he can go out of it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Suppose he wants only the value of the improvements and not the land?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That he cannot have.

PRESIDENT : The amendment being moved and seconded, the question is whether the amendment may be accepted.

The amendment was put to the vote of the House and lost.

MR. N. GOVINDA MENON (*Co-opted*) : I demand a poll.

A poll was taken, and the House divided as follows :—

AYES—15.

1	Mr. A. Easwara Pillai (*Kalkulam II*)		9	Mr. K. Padmanabhan	
2	,,	K. R. Elenkath	10	,,	Edavanatt S. Padmanabha Menon
3	,,	N. Govinda Menon	11	,,	Changanachery K. Paramesvaran Pillai
4	,,	N. K. Krishna Pillai			
5	,,	Puthupalli S. Krishna Pillai	12	,,	A. Thanu Pillai
6	,,	K. Kunjukrishna Pillai	13	,,	S. Thiraviam Nadar
7	,,	Pacode A. Narayana Pillai	14	,,	N. E. Varughese
8	,,	S. Nilakanta Pillai	15	,,	V. K. Velappan Nair

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NOES—38.

1	Mr. N. Abdur Rahiman Sahib	21	Mr. E. K. Kunjuraman
2	,, K. C. Abraham	22	,, K. M. Kuriakose
3	,, T. K. Alexander	23	,, C. O. Madhavan
4	,, V. T. Chacko	24	,, K. Madhavan
5	,, E. H. Francis	25	,, P. C. Narayanan Bhattatiripad
6	,, Antony George	26	,, P. K. Narayana Pillai
7	,, K. George	27	,, R. Nilakanta Pillai
8	,, M. Mahomed Haneef	28	,, N. K. Padmanabha Pillai
9	,, S. J. Nair	29	Rao Sahib S. Paramesvara Aiyar
10	,, T. S. Jayantan Nambootiri	30	Mr. Kayalam Paramesvaran Pillai
11	,, N. John Joseph	31	,, V. Ramakrishna Panickar
12	,, T. C. Joseph	32	,, R. Raman Pillai
13	,, K. C. Karunakaran	33	Rao Bahadur N. Ramanuja Aiyangar
14	,, T. T. Kesavan Sastri	34	Mr. P. G. Rama Varma Raja
15	,, K. M. Krishnan	35	,, K. Sankaran
16	,, K. P. Krishna Menon	36	,, R. M. Statham
17	,, E. V. Krishna Pillai	37	,, T. C. Thommen
18	,, T. Krishna Pillai	38	,, G. B. E. Truscott
19	Rao Sahib Dr. N. Kunjan Pillai		
20	Mr. C. V. Kunjuraman		

NEUTRALS—9.

1	Mr. S. Chattanatha Karayalar	6	Mr. K. A. Narayana Pillai
2	,, A. Easwara Pillai (*Kottarakara*)	7	,, G. Nilakantan
3	,, M. K. Madhavan Pillai	8	,, Kainikkara M. Padmanabha Pillai
4	,, K. Mahomed	9	,, M. Sivatanu Pillai
5	,, M. N. Nair		

The amendment was declared lost.

PRESIDENT: The question is that Clause 9 do form part of the Bill.

The motion was put to the vote of the House and carried, and the Clause was added to the Bill.

Clause 10.

PRESIDENT: The question is that Clause 10 do form part of the Bill.

The motion was put to the vote of the House and carried, and the Clause was added to the Bill.

Clause 11.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I move the following amendment. Substitute the following for the second sentence:—

"Such rent and *melvaram* shall be treated as if they were public revenues and in default of payment may be recovered as arrears of public revenue under the Revenue Recovery Regulation I of 1068, subject to such rules as may be prescribed."

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[Mr. A. Thanu Pillai.]

The provision as drafted by the Select Committee enables the Chief to recover by means of the provisions of the Revenue Recovery Regulation not only the rent and *melvaram* on registered holdings but also rent in respect of any registered holding and *taravila* and *tadivila* or any other amount accruing due in respect of any land in the Edavagai. That is, amounts coming under whatever description can be collected by putting into effect the provisions of the Revenue Recovery Regulation I of 1068. The provision, Sir, is something which can, by no means, be supported. My amendment will limit this right to the collection of rent due to the Chief on registered holdings and *melvaram*. If the holding is not a registered one, the rent and *melvaram* and other amounts due to the Chief, according to me, cannot be collected in pursuance of the Revenue Recovery Regulation.

In the case of a registered holding, there is the guarantee that the rent can be fixed on certain definite principles. Those principles can well be accepted to be such as would do no harm to any party. But in the case of other rents, they may be the result of various circumstances. The party may have entered into contract with the Chief under special circumstances.

Under a registered deed it may be that a tenant is liable to pay Rs. 100 per annum. In a court of law, the tenant may raise a contention that he is not liable to pay. It may be that, though the deed has been brought into existence, the tenant has not been given possession of the property or there may be circumstances justifying a reduction of the rent. Such pleas it is open to the tenant to raise in the court. If the recovery is under the Revenue Recovery Regulation, nothing like that is possible. The authority for collecting the rent will only look into the document and say what the amount is. If there is no voluntary payment, the authority will coerce the tenant to pay the amount. The absurdity, Sir, is patent. The safeguards that exist in the case of a registered holding do not exist in the case of a non-registered one. Or, if it is under a registered deed, there might be a counter-claim. A tenant in a court of law may contend that he has advanced certain sums to the Chief or the Chief owes him certain amounts. These amounts will be set off against the rent. Where is the occasion for all that, when the rent is sought to be collected by the Revenue Recovery Regulation? This provision would be highly unfair to the tenant. So, we ought to restrict the operation of the provisions of the Regulation in respect of collection to rents and *melvaram* on registered holdings. Because there is no guarantee that a tenant will not be unjustly treated, such a restriction is very necessary in regard to the mode of collection. Again, Sir, this clause refers to *taravila* or *tadivila* or other amounts accruing due to the Chief. Now, *taravila* and *tadivila* might have been fixed by the Chief or his agents. They might be excessive. Or, any other amount accruing due to the Chief in respect of holding or land, what that can be, we do

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not know. Considering all these circumstances, we have to clearly limit the application of the operation of the Revenue Recovery Regulation.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Will amounts due according on a pro-note be included under this?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Pro-note amounts cannot come in this. The amounts due must have something to do with the holding.

Then there are amounts due under orders passed by the Chief. There is a provision following, where the coercive powers for collection are to be exercised by the Chief's agents. If that Section is passed, the situation will be worse still. He may claim a certain amount. There is a registered deed. The party has not got permanency; the land or the land has been taken away from him. Or, there may be some counter-claim by the tenant. All these will not be listened to. He will only say so much is due. If the tenant does not pay, he will coerce him. He will seize his movables, sell his immovable property, and cause untold misery to the tenant. All these, the Chief's agent can do. He is the party, the judge, as well as the authority for executing his own decision. Even if the powers are not conferred on the Chief's agents, the amendment is highly necessary. I propose my amendment for acceptance by the House.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I heartily second the amendment of Mr. Thanu Pillai.

PRESIDENT: As I said, the House will continue to sit over the Bill till it is finished to-day. I propose to give a short interval for members to have their tea. We will now adjourn and meet again at 5 P. M.

The House adjourned at 4-40 P. M. and met again at 5 P. M. with the President in the Chair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It must be admitted that the proposal in the Bill is to recover under the Revenue Recovery Regulation only such amounts as are rightly due to the Chief. Mr. Thanu Pillai raised the objection to one particular portion alone, *viz.*, to the provision about other dues such as any other rent or *taravila* or *tadivila* or other amount accruing due to the Chief. It must be borne in mind that these amounts are all due under registered documents or official orders.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Not only that, I oppose the whole provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in regard to registered documents, any person who questions the amount due under the deed must have recourse to civil suit and get it set aside. So long as that is not done, it is but fair that the amount covered by the deed should be presumed to be due *prima facie* at any rate.

Then in regard to other dues, the amounts are dues under orders passed under provisions of this Regulation or some other legal provision. What is the objection to such amount being recovered? There is also the ultimate remedy through civil courts.

The amendment was put to vote and lost.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. N. GOVINDA MENON (*Co-opted*) : By my amendment I propose to exclude only the dues under registered document from the Chief. This is a more modest demand than that contemplated in the amendment moved by Mr. Thanu Pillai. My reasons for the amendment are that, first of all, the registered documents, executed by the Chief in favour of tenants, are very often overlapping and it is not a general rule that such documents are followed by possession. In the case of rent, *melvaram* and other dues, settled under this Regulation, there is some justification for applying coercive process for recovery ; but as far as the dues under the so-called registered documents are concerned, there is no such sanction. Secondly, under the provision of this Bill, there will be rent-roll and other accounts kept in conformity with the similar records kept by the Sirkar and the recovery will be done only in accordance with the rent-roll and other records kept in the office of a competent authority. In the case of dues under registered documents, there is no such accuracy; and there is no guarantee that the amounts under the document are due to the Chief, the only fact that a document has been executed being insufficient to prove the fact conclusively. It cannot be said that all the obligations contemplated in the document have arisen. Of course, the Law Member suggested that there is a civil remedy but my submission is that a civil remedy is not a proper guarantee for such a measure. Now, under the coercive process of the Revenue Recovery Regulation, when dues have been collected, which are not actually due, it is well known how difficult it is for a poor man to go to a civil court and obtain a relief. So, I submit, Sir, that the amendment proposed for altering the second sentence of Clause 11 by excluding dues under registered document be accepted.

PRESIDENT : Is there anybody to second it ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; I oppose the amendment. The civil remedy as explained before is available.

MR. A. THANU PILLAI (*Trivandrum-Rural*) May I know from the member whether one cannot resist an attempt to recover the dues under that document when a suit is filed by any party?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, he can. But so long as he has entered into a solemn agreement to pay an amount and so long as that document stands intact, he must pay the amount.

The amendment was put to vote and lost.

MR. N. E. VARUGHESE (*Tiruvalla I*) : സർപ്രതിനൊന്നാമത്തെ ക്ലാസിൽ ''ലാൻറ്'' എന്നുള്ളതിനു പകരം ''ഹോൾഡിംഗ്'' എന്നാക്കണമെന്നാണ് എന്റെ ഭേദഗതി. ലാൻറിനും ഹോൾഡിംഗിനും ഒരു പോലെയുള്ള അർത്ഥമാണ് ഇവിടെ കൊടുത്തിരിക്കുന്നതു്. ലാൻറ് എ

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ന്ന പറയുമ്പോൾ ആ ഭൂമിയിൽ എന്തെല്ലാമുണ്ടോ അവയുടെ സ്വ് ആ വകാശങ്ങളും ഉൾപ്പെടുന്നതാണ്. ആ ഭൂമിയുടെ അടിയിൽ വല്ലതും ഉണ്ടായിരുന്നാൽ അതിനേയും വിൽക്കാൻ നിയമം ഉണ്ടോ എന്നറിയുന്നില്ല. കരക്കുടിശിഖറെഗുലേഷൻപ്രകാരം കുടിശിഖക്കാരനു വസ്തുവിന്മേലുള്ള അവകാശം എന്നു മാത്രമേ ഉദ്ദേശിക്കപ്പെടുന്നുള്ളൂ. അതുകൊണ്ട് "ലാൻറ്" എന്നുള്ള പദത്തിനു പകരം "ഹോൾഡിംഗ്" എന്നു ചേർക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment.

PRESIDENT : Has it been seconded ?

MR. K. R. ELENKATH (*Kalkulam I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The word 'land' used in the Clause is a very appropriate expression. I may say that, in the previous portion of this Clause, it is said that the rent due to the Chief on registered holdings and the *melvaram* due to him shall be a first charge. Some expression must be used to cover land which is not a holding as defined. So, the expression 'land'.

The amendment was put to vote and lost.

The question that Clause 11 do stand part of the Bill was then put to vote and carried. The Clause was added to the Bill.

Clauses 12, 13 and 14.

The question that Clauses 12, 13 and 14 do stand as parts of the Bill was then put to vote and carried. The Clauses were added to the Bill.

Clauses 15

MR. A. THANU PILLAI (*Trivandrum-Rural*) : I beg to move that the following be substituted for Clause 15.

Sir, may I slightly modify the clause ? The new amendment will be fully covered by the one of which I have given notice. But I wish that the latter portion of my amendment may be omitted because there is some discrepancy in it. May I do so ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have no objection.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : This is the amendment that I now propose to move : —

"The powers of a Proverthicar, Tahsildar, Dewan Peishkar, or other officer under the Revenue Recovery Regulation 1 of 1068 or the Land Conservancy Regulation IV of 1091 shall be exercised only by Our officers acting as such and authorised in that behalf."

The object of this amendment is clear.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

This Clause in the Bill is one which, in my opinion, excels all others in its objectionability, because this provision in the Select Committee's Bill seeks to empower the agents and servants of the Chiefs with the powers of officers under the provisions of the Revenue Recovery Regulation and the Land Conservancy Regulation. The absurdity of the thing is clear.

Let us consider the Land Conservancy Regulation first. What are the kinds of powers that are to be exercised by the Dewan Peishkar under the Land Conservancy Regulation? He has to evict persons who are in unauthorised occupation of land. The Law Member waxed eloquent over the fact that we are here legislating for settling affairs between two private individuals or between one private individual on the one side and a number of private individuals on the other side, that we ought to respect their rights, that we ought not to infringe upon the rights of either party and so forth. If it is so, Sir, can any Government or any responsible body of public men think of a measure where one party is allowed to take the law into his own hands? The agent has to decide whether the land belongs to his employer, the Chief. He has to decide whether the other party is in occupation. He has to decide whether the occupation is unauthorised or authorised by his employer. Then he has to decide whether the occupant has to be evicted and he is to evict him and probably if resistance is offered, he is to evict him forcibly.

Sir, these are the powers to be exercised by the Chief's agent and the dispute is a dispute between the Chief and the other party, whether the land belongs to the Chief or the other party, whether the Chief has authorised the other party to enter or not, and how he is to be evicted. So, should I dilate on this matter to prove the absurdity of the provision? If the Government are to delegate these powers to the Chief's agent, they may very well abdicate Sir, it is too late now and I do not want to dilate on this point further. I may also say that I am not moving the amendment in the hope of its being received with any kind of sympathy by the majority of the House.

As for the applicability of the other Regulation, the Revenue Recovery Regulation, I of 1068, there again the questions that arise are whether there is any default of payment of revenue, what is the amount to be paid, whether a payment has been made or not then, coming to the procedure, whether moveable property or immoveable property should be proceeded against if it is moveable, the distraint of moveables, if it is immoveable, to sell the land, to issue a certificate of sale and, if the occupant resists eviction, to evict him forcibly and, if necessary, also to send him to jail, if he resists further.

Here again who are the parties? Sir, they are the Chief on the one side, and the tenants on the other. Who is to decide these things? The Chief's servant.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether the said servant is a Government servant or a private employee ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : In the Select Committee's Bill he is a private individual's servant. There is the provision that these powers are to be used only by officers lent by Government. On principle, what difference does it make, I ask. Government may lend the services of an officer to me ; and so long as he serves me he is my servant and not a Government servant during that period.

MR. K. R. ELENKATH (*Kalkulam I*) : Does the member mean that the Government should take up the direct management of the Edavagais ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : I have no objection to that. But then, strong objection was raised to that proposal in the Select Committee. Sir, the Government may manage the Edavagais and pay the Chiefs their dues. But that question is not before us now. What I propose is this. Since the other provisions have been accepted, let us see what the practice is in Edappalli and Kilimanur. There the Land Conservancy Regulation is not in operation. That fact we have to remember. It is only the Revenue Recovery Regulation that is applicable. In the case of defaulting tenants, a requisition is made by the Chief to the local Revenue Officers. They take steps and recover the dues and hand them over to the Chief. That is what has been going on from 1068 onwards and probably even prior to that date. Whatever may have been the practice prior to 1068, after 1068 it is clear that this is the practice. The officers of the Edavagais are not given these powers at all. There the provision is that " the rent due to the Chief shall be recovered in accordance with the provisions of the Revenue Recovery Regulation by Our officers." That is the provision which the Legislature as early as 1068 took care to provide. On principle, therefore, the present provision in the Bill is clearly wr ng.

I wish to refer to a few of the details regarding the application of this Regulation. What are the provisions that we have passed so far and what is the effect of those provisions ? The *melvaram* and rent on a registered holding. That is all right. There is at least some guarantee as to what is due. Then any other amount due to the Chief connected with the land. Who is to keep the records relating to them ? Who is to get the evidence of the transaction ? Who is to do all that ? The Chief or the Chief's own agent. So, it is the party who is the deciding authority and he is the authority for executing the order as well. That is the position. As for distraint. The Chief, after all, is a private individual. That was conceded by the Law Member. Suppose the Chief has some grudge against a tenant. These Chiefs are also men, not super-men. The agent is, after all, the Chief's servant for the time being. He might be a lent officer of Government Does the fact that a man is a lent officer of Government take him out of the human species? Does it divest him of all baser elements in human character ? Certainly

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

not. In Government service there are several checks on the misconduct of an officer. Those checks are not here in Edavagai service. I say the Chief may have a grudge against a tenant of his, and he may direct his agent to distrain the tenant's moveables. The agent is only the Chief's servant and it should be against all knowledge of human nature if we should imagine that the agent would under such circumstances always resist the temptation to please his master, if he is a gentleman who wants to get on. The Chief may direct him to do something wrong or the agent may do it himself of his own accord to serve the Chief's interests. I know that the Law Member will come forward and say "there is the right of appeal". We know what it is, when the mischief is done. There are even provisions in the Regulation for breaking open the rooms of dwelling houses for distraint of moveables. Anything might happen. After all, the Dewan Peishkar, on an appeal, might ultimately say "I cancel the proceedings". Can we allow a party to take the law into his own hands and do something unjust and leave it to the injured party to appeal and get the consolation of a finding that what was done against him was not right? On this question I had to address the old Legislative Council at great length on a former occasion when a Bill was introduced to confer the powers under the Revenue Recovery Regulation on officers of the Sripadam. That Bill passed the second reading stage. But the Government dropped the measure themselves. They were satisfied about the absurdity of the provisions in it.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether Government dropped the Bill on account of the opposition made by the member and the member's speech?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I do not understand the propriety of the question.

PRESIDENT: Will you please go on in your own line of argument Mr. Thanu Pillai?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Ultimately, the Government dropped the Bill. I take it that the Government dropped it because they were satisfied that it was wrong to pass it.

Sir, I do not wish to detain the House any longer. I press these objections for the consideration of the House. This provision is nothing but objectionable. Therefore I say that these powers can be exercised only by Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): In seconding the motion I would add a few words. The only consideration which weighed with the Legislature in giving Government these extraordinary powers for the realisation of their revenues is that that revenue is realised for the benefit of the people who pay that revenue. They have got a control over the expenditure out of that revenue so realised and they have got the consolation that that amount is spent for the public good.

But, in the case of the Edavagais, who will guarantee that the amount will be spent for public purposes? It seems to me that the only

LIBRARY ARCHIVES Kerala Legislative Assembly

saving feature, in favour of these coercive processes in the case of Government (which are in their essence an infringement of the liberties of the citizen), is that they are collected for the purpose of public expenditure. That is the only justification for allowing these processes even in the case of Government. Certainly, no such ground can be urged in the case of these Chiefs, who may squander the money or spend it uselessly as they like. At any rate, there is no guarantee or even hope that the collections are to be spent for the good of the people.

There is one argument which I would like to deal with. It may be urged, in support of the provision in the Bill, that since it is only officers lent by Government that could exercise these powers under the Revenue Recovery Regulation, there is safety in that. Sir, that is a misconception, if the argument is put forth seriously.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is the member aware of the *Malayaru* Act recently enacted by the Imperial Legislature?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am not aware; and I am not able to understand the suggestion that the member wants to make.

Sir, even in the case of an officer of Government lent to the Chief, during the period he is under the service of the Chief, the Government have absolutely no disciplinary control over the officer. There is therefore, absolutely no difference between an agent of the Chief who is a lent officer of the Government and another agent who is not such an officer, so far as the disciplinary control by Government over such agent is concerned. There is only the remote chance of the Government recalling him in case of extraordinary misconduct. I do not see how the wrongs done by him are to be rectified or checked. As long as he is under the service of the Chief, it is only the Chief that can take disciplinary action against him, and not the Government. That fact has to be clearly borne in mind by this House in considering this provision.

Further, we are not assured by the provision that only men of status and educational qualification would be appointed to exercise these powers under this enactment. Even a Provertikar may be appointed as the agent of the Chief. The clause is absolutely silent as to the status or qualification of the officer to be appointed as the Chief's agent. We are absolutely in the dark as to the sort of person that is to exercise these extraordinary powers which, so far as the Government are concerned, only responsible officers can exercise. The dangerous nature of the provision will, I hope, be obvious to the House.

Sir, it is a very dangerous provision that is now before the House. It is going to affect the tenant population very adversely. And, as I have already explained, absolutely no safeguard has been provided. I would therefore request the House to consider the provision seriously. And, no case has been made out as to why such special treatment should be accorded to these two Edavagais alone.

With these words, I second the amendment:

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment. This is one of the important clauses of the Bill, and it has been put in for the efficient management of the Edavagai affairs, wherein a lot of money has to be collected and there is a large extent of land involved. Sir, after all, the provision is intended for the recovery of money *rightly* due.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Who is to say that the money is rightly due ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); Sir, once it is conceded that the object of the provision is the recovery of money *rightly* due, I daresay it will also be conceded that the provision only provides the mere *procedure* for the realisation. If the agent of the Chief is not to exercise these coercive powers, the court will do it. That is all.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why it should not be left to the court to exercise these powers ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the whole thing, even under the provision as it stands in the Bill, is subject to revision by the civil Court. The provision also clearly lays down that such powers could be exercised only by an officer lent by the Government.

Mr. Thanu Pillai referred to a provision in another Bill relating to the exercise of these powers by the Sripadom officers. Although it is not strictly relevant now, I shall refer to it since Mr. Thanu Pillai referred to it. What was the provision in that Bill ? Under the provision therein any person, whether official or not, may be granted the powers. He need not necessarily be an officer lent by Government. The Select Committee was apparently persuaded by Mr. Thanu Pillai and they especially provided that the person to be conferred with powers must be an official of Government.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Was it not laid down in that Bill that the powers could be exercised only by officers of the Sripadom approved of by the Government ?

Could not the Government refuse, under the other Bill, to confer these powers on the Sripadom officer if they were not satisfied with him ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, Government can refuse. But, can it be denied that, when the officer is one lent by Government, he would be subject to disciplinary control by Government ?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : May I know how he will be subject to the disciplinary control of the Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If he misconducts himself, Government may even dismiss him.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether the Government of India exercise any disciplinary control over officers lent to us?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not propose to answer that question, Sir.

Further, there is the proviso that an appeal shall lie to an officer of Government in Government service. There is also express provision for redress being sought through a civil court.

Sir, it was even suggested that *any* person may be lent by Government as agent to the Chief, say perhaps even a peon. I do not think that any one can reasonably suggest that. I assure the House that Government will not do any such thing.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I did not suggest that the Government may lend a peon as agent to the Chief.

The amendment was put to vote and lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll. A poll was taken and the House divided as follows:

AYES—16.

1 Mr. T. K. Alexander
2 ,, A. Easwara Pillai (*Kalkulam II*)
3 ,, N. Govinda Menon
4 ,, N. K. Krishna Pillai
5 ,, Puthupalli S. Krishna Pillai
6 ,, T. Krishna Pillai
7 ,, K. Kunjukrishna Pillai
8 ,, Pacode A. Narayana Pillai
9 Mr. S. Nilakanta Pillai
10 ,, K. Padmanabhan
11 ,, Kainikkara M. Padmanabha Pillai
12 ,, Changanachery K. Parameswaran Pillai
13 ,, R. Raman Pillai
14 ,, A. Thanu Pillai
15 ,, S. Thiraviam Nadar
16 ,, N. E. Varughese

NOES—32.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, V T. Chacko
4 ,, Antony George
5 ,, K. George
6 ,, M. Mahomed Haneef
7 ,, S. J. Nair
8 ,, T. S. Jayantan Nampootiri
9 ,, N. John Joseph
10 ,, T. C. Joseph
11 ,, K. C. Karunakaran
12 ,, T. T. Kesavan Sastri
13 ,, K. M. Krishnan
14 ,, K. P. Krishna Menon
15 Rao Sahib Dr. N. Kunjan Pillai
16 Mr. C. V. Kunjuraman
17 ,, E. K. Kunjuraman
18 ,, C. O. Madhavan
19 Mr. K. Madhavan
20 ,, P. C. Narayanan Bhattatiripad
21 ,, P. K. Naryana Pillai
22 ,, R. Nilakanta Pillai
23 ,, N. K. Padmanabha Pillai
24 Rao Sahib S. Paramesvara Aiyar
25 Mr. Kayalam Paramesvaran Pillai
26 ,, V. Ramakrishna Panicker
27 Rao Bahadur N. Ramanuja Aiyangar
28 Mr. P. G. Rama Varma Raja
29 ,, K. Sankaran
30 ,, R. M. Statham
31 ,, T. C. Thommen
32 ,, G. B. E. Truscott

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NEUTRALS—12.

1	Mr. S. Chattanatha Karayalar	7	Mr. K. Mahomed
2	,, A. Easwara Pillai (*Kottarakara*)	8	,, K. A. Narayana Pillai
3	,, K. R. Elenkath	9	,, G. Nilakantan
4	,, E. V. Krishna Pillai	10	,, Edavanatt S. Padmanabha Menon
5	,, K. M. Kuriakose	11	,, V. K. Velappan Nair
6	,, M. K. Madhavan Pillai	12	,, T. P. Velayudhan Pillai

The amendment was declared lost.

The question that Clause 15 do form part of the Bill was put to vote and carried. The Clause was added to the Bill.

Clauses 16 and 17.

The question that Clauses 16 and 17 do from part of the Bill was then put put to vote and carried. The Clauses were added to the Bill.

Clause 18.

PRESIDENT : The next amendment stands in your name, Mr. Thanu Pillai.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : I do not propose to move this amendment or any of my subsequent amendments.

PRESIDENT : I am now only at this amendment. I am certainly happy to have the pleasing news that you do not propose to move any more of your amendments.

MR. K. P. KRISHNA MENON (*Parur*) : I move the following amendment :—

PRESIDENT : I must inform the House that Mr. Krishna Menon has put into my hands an amended from of the amendment which stands against his name on the Agenda paper and I think he will do well to read the amendment he is now moving.

MR. K. P. KRISHNA MENON (*Parur*) : Substitute the following for Clause 18 :

Amendment of Regulation IV of 1068.

"18. In the Estates Rent Recovery Regulation, IV of 1068, the following amendments shall be made, namely:—

(*a*) for Section 4, the following shall be substituted, namely:

'4. It shall be competent to the Chief to make assignments of waste lands, but such assignments shall be made in accordance with the law and rules for the time being in force for the assignment of Government lands so far as they are applicable and subject to the right, if any, of third parties. Such assignees shall have in respect of the lands assigned all the rights which similar assignees of Government lands acquire in respect of the Government land assigned.''

(*b*) the following shall be added as Sections 10, 11 and 12 respectively :

Unassessed lands treated as property of Government.

'10 All unassessed lands within the limits of the Estates of Kilimanur and Edappalli shall be deemed to be the property of Government for the purposes of the Land Conservancy Regulation of 1091 (IV of 1091) and such of the provisions of the said Regulation as may be notified by Our Government in that behalf shall apply thereto subject to such Rules as may be prescribed.

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'11. Our Government may, subject to such rules as may be prescribed, confer the powers of a Proverthikar or a Tahsildar under the Revenue Recovery Regulation, I of 1068, or of a Dewan Peishkar under the Land Conservancy Regulation of 1091 (IV of 1091) on any agent or servant of the Chief :

Powers of Peishkar etc., to be conferred on Chief's Agent.

Provided that the powers of a Tahsildar or a Dewan Peishkar shall not be conferred on the agent or servant unless he is a Government servant whose services have been lent to the Chief ; and

Provided also that the appeals and revisions available to the parties under the said Regulations against the orders or actions of a Tahsildar or a Dewan Peishkar shall lie, or shall be provided for by the Rules to lie, to an officer of Our Government in Our Government service.}

Explanation. Any right of civil suit available in respect of the orders or actions under the Revenue Recovery Regulation I of 1068 and the Land Conservancy Regulation of 1091 shall also be available to the parties.

12. The word "Chief" used in this Regulation means the senior male member or other member of the Kilimanur Kottaram or the Edappalli Swarupam, as the case may be, in whom the management of the family concerned is vested in law for the time being."

PRESIDENT : Well I suppose the amendment speakes for itself. It is lengthy enough.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : It has not been possible to follow all the intricacies of the amendment.

PRESIDENT : Of course, he will explain,

MR. K. P. KRISHNA MENON (*Parur*) : The need for moving this amendment is that Regulation IV of 1068 is neither clear enough nor sufficient to cover the class of lands comtemplated.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : It is not possible to follow the explanation without copies of the amendment being given to us.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : There is no substantial variation from what is printed in the agenda.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I beg to second the amendment. In fact the effect of the amendment would be to bring the condition of the estates of Kilimanur and Edappalli into line with the Estates of Poonjar and Vanjipuzha so far as the system of management that is proposed in the Bill is concerned. Government have taken power under this Bill to lend their officers and invest them with the powers of Tahsildars and Peishkars so far as Poonjar and Vanjipuzha are concerned. Similar powers, Mr. Krishna Menon says, may be granted to the other two settled Edavagais also.

So far as the introduction of the Land Conservancy Regulation is concerned, that is already provided by a clause at the foot. The effect of the amendment is to place all the four Edavagais under the same system so far as their management is concerned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. P. K. Narayana Pillai has correctly explained the amendment. I do not object to the amendment. The amendment proposes only that some of the provisions already passed by the House be applied to Edappalli and Kilimanur.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I oppose the amendment on the ground that it has not been possible for us to know what the amendment exactly is or what its implications are. Unless a copy of the amendment is before us, I think, in spite of a very short explanation, it is impossible for us to give our assent to this amendment which may be very good or very bad. We are not able to scrutinise the amendment. We are not supplied with copies. It is therefore unfair to ask us to associate or dissociate from it at this stage. The courtesy to place a copy of this long amendment before us at least 5 minutes before it was moved was not shown to us. I therefore strongly oppose it on that ground.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it a ground of the member that he could not understand the meaning?

MR. T. K. ALEXANDER (*Kunnatnad I*): I support Mr. Kunjukrishna Pillai and oppose the amendment on the same ground.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I question, again, Sir, is it the ground taken by Mr. Alexander that he did not understand the meaning or that he was not supplied with a copy of the amendment?

MR. T. K. ALEXANDER (*Kunnatnad I*): Both.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Mr. Krishna Menon read out the amendment sufficiently aloud.

MR. K. P. KRISHNA MENON (*Parur*): Most of the amendments are in the printed list.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I also oppose the amendment because I am not in a position to know what the nature of the amendment is. Copies were not supplied to us in time. So I oppose the amendment.

PRESIDENT: I shall, in this case, certainly help this House as far as I can. I shall, for your information, read out the amendment, which I suppose, no member will say, was not audible.

"For Clause 18 substitute the following :—

'18. In the Estates Rent Recovery Regulation IV of 1068, the following amendments shall be made, namely:—

(*a*) for Section 4, the following shall be substituted, namely:—

"4. It shall be competent to the Chief to make assigments of waste lands but such assignments shall be made in accordance with the law and rules for the time being in force for the assignment of Government lands so far as they are applicable and subject to the right, if any, of third parties. Such assignees shall have in respect of the lands assigned all the rights which similar assignees of Government lands acquire in respect of the Government land assigned."

(*b*) the following shall be added as Sections 10, 11 and 12 respectively.

"10. All unassessed lands within the limits of the Estates of Kilimanur and Edappalli shall be deemed to be the property of Government for the purposes of the Land Conservancy Regulation of 1091 (IV of 1091) and such of the provisions of the said Regulation as may be notified by Our Government in that behalf shall apply thereto subject to such Rules as may be prescribed.

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11. Our Government may, subject to such rules as may be prescribed, confer the powers of a Proverthikar or a Tahsildar under the Revenue Recovery Regulation I of 1068, or of a Dewan Peishkar under the Land Conservancy Regulation of 1091 (IV of 1091) on any agent or servant of the Chief :

Provided that the powers of a Tahsildar or a Dewan Peishkar shall not be conferred on the agent or servant unless he is a Government servant whose services have been lent to the Chief : and

Provided also that the appeals and revisions available to the parties under the said Regulations against the orders or actions of a Tahsildar or a Dewan Peishkar shall lie, or shall be provided for by the Rules to lie, to an officer of Our Government in Our Government service.

Explanation. Any right of civil suit available in respect of the orders or actions under the Revenue Recovery Regulation I of 1068 and the Land Conservancy Regulation of 1091 (IV of 1091) shall also be available to the parties.

12. The word "Chief" used in this Regulation means the senior male member or other member of the Kilimanur Kottaram or the Edappalli Swarupam, as the case may be, in whom the management of the family concerned is vested in law for the time being".

I hope every member has heard it distinctly and clearly. Now I shall put that amendment to the House. The question is whether that amendment shall be accepted.

MR. PUTHUHALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I rise to a point of order. After reading out the amendment to us, we have begun to see the dim outlines of it. We should be permitted to make one or two remarks.

PRESIDENT : I shall be glad to hear them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): From what has been read out to us so kindly by the President, I have begun to understand that there is some complication not clearly understandable by us in the amended Section. We have been earnestly trying to follow the intricate provisions contained in it and it is only one or two points that we have been able to catch. This amendment has been brought forward by the Honourable member who comes from one of the Edavagais and curiously enough, contrary to the conduct of the learned Law Member in regard to all other amendments brought here, he has readily accepted this one. Therefore it is that I say that there is something which makes us think that there is in it something dangerous to the interests of the tenant.

PACODE A. NARAYANA PILLAI (*Vilavankod*): (*Hear, hear.*)

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is exactly my position. If this amendment were also opposed by the Law Member, as I have said, we would have been safe. The tenants' interest would not have been at stake; but where it is accepted by the Law Member, I think it is mainly intended to preserve the interest of the Chief. What exactly its nature is I am unable to say now. An expert body consisting of a large number of distinguished members of this House sat over this Bill for 17 full days and drafted all the various intricate provisions of this Regulation and it is curious that whatever point may be contained in this amendment escaped their attention. It was found later that there was this defect and the defect is now sought to be remedied by the learned

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthuppalli S. Krishna Pillai.]

Law Member. Sir, the Edappalli Chief and the Kilimanur Chief were both exempted from the operation of the rights conferred upon them by this amendment, either because at that time the Select Committee thought that those two Edavagais did not require this concession or because they thought it was not necessary for them. Something has transpired after that which has necessitated this amendment bringing into its trammels two innocent Edavagais that did not want anything of it.

That is why I submitted that there is something unusual about it. I would therefore plead as the last act of mercy, in favour of the innocent tenants whose cause we have been trying to advocate in this House, that you, Sir, in exercise of your powers as the President would allow some more time to consider dispassionately or, at any rate, calmly this amendment which would cover at least one page of printed sheet. After having supported the various amendments that were moved in favour of the tenants, our last plea in the cause of the tenants is that you, Sir, should do at least this.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the amendment. I beg to state that the amendment sought to be added in the Bill is favourable to the tenants of Kilimanur and Edappalli.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the paper in his hand is a copy of the amendment moved?

MR. S. J. NAIR (*Nedumangad*): Yes, due to the courtesy of the mover of the amendment, I got a copy of the amendment. As stated in the amendment, I am compelled to say that the amendment is both in the interest of the Chiefs as well as the tenants. The amendment says:—

"18. In the Estates Rent Recovery Regulation IV of 1068, the following amendments shall be made....." and so on.

Under the circumstances, I strongly support the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, having been able to gather some vague idea of the amendment, from what you have been pleased to read to us——

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, is the member in order? He has opposed the amendment once.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I gather from what you read to us that the Kilimanur and Edappalli tenants are also sought to be brought under the tentacles of this amendment. That is the sum and substance of it. There seems to have been no anxiety on the part of the Law Member or the member who has brought this amendment when the question of the interest of the tenants were sought to be upheld on various amendments to support their cause. It is said that this amendment is brought in the interests of the tenants of the Kilimanur and Edappalli Estates and also in the interests of the tenants of Vanjipuzha and Poonjar Chiefs.

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MR. S. J. NAIR (*Nedumangad*): May I know from the member whether it is not advisable to have uniformity so far as all the Edavagais are concerned?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The question of uniformity was raised on several occasions before. On all those occasions the Honourable member who now supports the amendment did not find his way to support them. He refused to give his assent to the idea of uniformity on those occasions. Now when it suits his convenience, he gives his assent to the uniformity. I can see why the member has raised that question now. One of the effects of the amendment, I gather, is that the tenants of Kilimanur and Edappalli also will be brought into these difficulties. I think it is a very serious punishment that is going to be inflicted upon a large majority of them. If there is any sense of self-respect in this House, this amendment should not be allowed. As my friend Mr. Puthupalli S. Krishna Pillai said, as the last act of mercy, the President should not allow to pass this clause in these circumstances. I wish to dissociate myself from all possible results that may come about by this amendment or the implications underlying it, which we are unable to understand now.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, from what has been said about the way in which the amendment is sought to be introduced, it might give an impression that it is very dangerous to the interests of tenants. I may say for the information of the members who are -

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I may bring to the notice of the House that copies of the amendments were circulated only to a section of the House.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): To say the least of it, it is not correct. I am very sorry for the insinuation indulged in by my friend. This clause seeks to safeguard the interests of the tenants not only of Edappalli and Kilimanur but other tenants also. The most important condition that is sought to be made is that the lands are treated as Sirkar lands and such lands are registered as Sirkar lands and the whole thing will be managed by Government servants lent for the purpose. That is what is contemplated by the provision we have now. That is why probably the mover of this amendment thinks that it is only fair to the tenants of Edappalli and Kilimanur, that no discrimination is shown in favour of the tenants of Vanjipuzha and Poonjar. Therefore, it is sought here to see that the position, status and rights of the tenants of Kilimanur and Edappalli are placed on a better footing than they are at present and their rights more carefully safeguarded. I do not think that there is need to read the contents of the amendment once again, but for the assurance of those who were not following I may say that it is not dangerous to tenants. I would request every member of this House to pass this amendment because it is to the interests of tenants.

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PRESIDENT: As the Chair had already allowed the member to move his amendment and as we had already half an hour's discussion on its merits, I think it is too late to rule that the amendment is out of order. I will put the amendment to vote. Members can exercise their votes on its merits as they like.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know whether the official members have got the liberty of voting as they please with regard to this amendment ?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is there anything objectionable, Sir ?

PRESIDENT: Official members have always their liberty to vote as they please.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): (*Hear, hear.*)

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am glad to have that assurance.

PRESIDENT: That assurance has already been known. It is not a new assurance.

The amendment being moved and seconded, the question is whether it stands part of the Bill.

The amendment was put to the vote of the House and carried.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken and the House divided as follows :—

AYES—31.

1	Mr. N. Abdur Rahiman Sahib	17	Mr. C. V. Kunjuraman
2	,, V. T. Chacko	18	,, E. K. Kunjuraman
3	,, Antony George	19	,, C. O. Madhavan
4	,, K. George	20	,, K. Madhavan
5	,, M. Mahomed Haneef	21	,, P. C. Narayanan Bhattatiripad
6	,, S. J. Nair	22	,, P. K. Narayana Pillai
7	,, T. S. Jayantan Nambootiri	23	,, R. Nilakanta Pillai
8	,, N. John Joseph	24	,, N. K. Padmanabha Pillai
9	,, T. C. Joseph	25	,, Kayalam Paramesvaran Pillai
10	,, K. C. Karunakaran	26	,, P. G. Rama Varma Raja
11	,, T. T. Kesavan Sastri	27	Rao Bahadur N. Ramanuja Aiyangar
12	,, K. M. Krishnan	28	Mr. K. Sankaran
13	,, K. P. Krishna Menon	29	,, R. M. Statham
14	,, Pottayil S. Krishna Panickar	30	,, T. C. Thommen
15	,, E. V. Krishna Pillai	31	,, G. B. E. Truscott
16	Rao Sahib Dr. N. Kunjan Pillai		

LIBRARY ARCHIVES Kerala Legislative Assembly

NOES.—17.

1	Mr.	T. K. Alexander	8	Mr.	K. Kunjukrishna Pillai
2	,,	S. Chattanatha Karayalar	9	,,	M. K. Madhavan Pillai
3	,,	A. Easwara Pillai (*Kalkulam II*)	10	,,	K. Mahomed
4	,,	A. Easwara Pillai (*Kottarakara*)	11	,,	K. A. Narayana Pillai
5	,,	N. Govinda Menon	12	,,	Pacode A. Narayana Pillai
6	,,	N. K. Krishna Pillai	13	,,	S. Nilakanta Pillai
7	,,	Puthupalli S. Krishna Pillai	14	,,	Kainikkara M Padmanbha Pillai
			15	,,	V. Ramakrishna Panickar
			16	,,	S. Thiraviam Nadar
			17	,,	N. E. Varughese

NEUTRALS.—10.

1	Mr.	K. C. Abraham	7	Rao Sahib	S. Parameswara Aiyar
2	,,	K. R. Elenkath	8	Mr.	R. Raman Pillai
3	,,	T. Krishna Pillai	9	,,	V. K. Velappan Nair
4	,,	K. M. Kuriakose	10	,,	T P. Velayudhan Pillai
5	,,	G. Nilakantan			
6	,,	K. Padmanabhan			

The question that Clause 18 as amended do stand part of the Bill was then put to vote and carried. The Clause as amended was added to the Bill.

New Clause.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I move the following amendment:—

Insert the following as Section 19 :-

"Each of the Edavagais shall pay to Our Government ten per cent of the amount collected by it as rent and *melvaram*."

MR. KAYALAM K. PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. The scope of the Bill is to settle things as between the Chief and the tenant. What is proposed by this amendment is a settlement as between Government on the one hand and the Chief on the other, that the Chief should pay a particular amount to the Government. The object of this Bill is only the settlement as between the Chief and his tenant. Therefore this amendment is not within the scope of this Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The object of the amendment is to provide a compensation or to provide an amount to Government for doing all the work of the Edavagais. It is also a safeguard in the interests of the tenant who will have to pay this rent and *melvaram*, because Government can utilise the amount thus realised for works of public utility in those localities. So there is nothing inconsistent with the objects of the Bill; and, Sir, I contend that the amendment is quite in order.

PRESIDENT: As the Law Member has very significantly pointed out, the main object of this new measure is merely to settle certain aspects of the relations which exist between the landlord on the one

LIBRARY ARCHIVES Kerala Legislative Assembly

[President.]

hand and his tenant on the other. Government, I think, comes into this picture only for the purpose of discharging certain duties which have been imposed upon it in the interests of the tenants. By this new amendment, it wishes to introduce what might be called a sort of fiscal measure to decide what amount Government should receive from the Chief in return for the labour that may be involved in working the provisions of this Bill. That is to say, it would add to the revenues of the territory to that extent. That, I fear, impinges on the fiscal relationship which subsists between the landlord and his tenant on the one hand and the Government on the other. I do not think that the intention of this measure is that the relationship should be defined. The relation that is sought to be defined is merely between the Chief and the tenant. Government do not come into that picture. Therefore it was by a side-issue we should now try to impose a sort of obligation which did not exist before and that as a fiscal nature. Perhaps according to the Act, such a measure requires the previous sanction of the Dewan. For these reasons, I think there is an objection in admitting that particular clause.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*). That is only in case where expenses are to be incurred.

PRESIDENT: I cannot recall to my mind the exact expression used in that connection. I am no more a lawyer to remember all the provisions of the Act. I think the words used are "affecting the revenues of the country". This certainly affects the revenues of the country. It is not a question quite free from doubt. Therefore I am very sorry not to admit an amendment like the one proposed by Mr. Kunjukrishna Pillai without being perfectly satisfied that it does not offend the existing provisions of the Act and without being quite certain that it comes within the four corners of the Bill as originally drafted. For these reasons, I am afraid I have to rule it out of order.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall now proceed to the third Reading of the Travancore Edavagai Bill.

I beg to move that the Bill as amended be passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

PRESIDENT: Moved and seconded that the Travancore Edavagai Bill be passed into law.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, I move that the House do now adjourn and that the Bill be taken up and passed in another Session. In other words, I oppose the motion for the third Reading.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under what Standing Order, Sir, does he move the adjournment?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Even without quoting the Standing Order, we can oppose the motion for the third Reading.

PRESIDENT: Well, those who are in favour of the Bill being passed into law will please signify by show of hands.

The motion that the Bill be passed was put to vote and carried.

PRESIDENT: I think I must apologise to the members for having kept them so late, perhaps later than usual. Every one will realise that there was need for it.

The House will now adjourn and meet again on Friday at 11 A. M.

The House adjourned at 6-20 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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